

# **Exhibit “A”**

## **Part 1 of 2**

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2

TRANSCRIPT of the deposition of KENNETH GOLDSTEIN, P.E., called for Oral Examination in the above-captioned matter, said deposition taken pursuant to District Court Rules of Practice and Procedure by and before DUBRAVKA DePEW, a Notary Public and Certified Court Reporter of the State of New Jersey, at the Offices of WOLFF & SAMSON, P.C. One Boland Drive, West Orange, New Jersey, commencing at approximately 10:05 in the forenoon.

4

INDEX

Testimony of: KENNETH GOLDSTEIN, P.E.

Direct by Ms. Mooney 7  
Cross by Mr. Pettit 242  
Cross by Mr. Cooley 246

2

EXHIBITS

EXHIBIT NO.	DESCRIPTION	PAGE NO.
Goldstein-1	Report of Kenneth Goldstein, P.E.	9
Goldstein-2	Two-page document list	209
Goldstein-3	Report to the Congress dated 1/23/79	212
Goldstein-4	E-mail dated 8/8/06, with attachments	214
Goldstein-5	E-mail dated 7/14/06, with attachments	216
Goldstein-6	Final report of the Pennsylvania Sanitary Water Board	224
Goldstein-7	Pennsylvania Bulletin, Volume 20	225
Goldstein-8	Chapter 75, solid waste management rules and regulations, Pennsylvania	226
Goldstein-9	Report to Congress dated 12/19/78	227

3

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5

EXHIBITS

EXHIBIT NO.	DESCRIPTION	PAGE NO.
Goldstein-10	Document entitled, Mid-Atlantic Superfund	230
Goldstein-11	Letter dated 7/5/05	231
Goldstein-12	Multi-page document consisting of handwritten notes	232
Goldstein-13	NJAC 7:26 provisions	236
Goldstein-14	New Jersey solid waste regulations, 1957 through '78	237

<p>1 DEPOSITION SUPPORT INDEX 2 DIRECTION TO WITNESS NOT TO ANSWER 3 Page Line Page Line Page Line 4 13 17 5 6 7 REQUEST FOR PRODUCTION OF DOCUMENTS 8 Page Line Page Line Page Line 9 * None * 10 11 STIPULATIONS 12 Page Line Page Line Page Line 13 * None * 14 15 16 QUESTION MARKED 17 Page Line Page Line Page Line 18 * None * 19 20 *** 21 22 23 24 25</p>	<p>6 8 1 instructions. I know you've been deposed before -- 2 I can tell that based on your expert report -- but I 3 am going to give you some general instructions 4 before we get started today. 5 Your answers today are under oath and 6 carry the same weight as if you were in court. 7 Please give verbal responses to my questions. Try 8 not to gesture or say "uh-huh" or "uh-uh". It's 9 difficult for the court reporter, who is sitting to 10 your left, to take down. 11 We should talk one at a time. So 12 please try not to talk over me, and I will try to do 13 the same to you. Once again, it makes for a better 14 transcript if we can pace ourselves in that way. 15 If you answer my questions, I'm going 16 to assume that you're answering to the best of your 17 ability to do so. Don't guess. You may estimate or 18 approximate, but please indicate to me when you're 19 doing that. 20 Unless your attorney instructs you 21 not to answer a question, you may do so. That's 22 about it. 23 Do you have any questions before we 24 get started? 25 A. No.</p>
<p>7 1 KENNETH GOLDSTEIN, P.E., 2 c/o Ransom Environmental, 2127 Hamilton 3 Avenue, Hamilton, New Jersey, after 4 having been duly sworn, was examined and 5 testified as follows: 6 DIRECT EXAMINATION BY MS. MOONEY: 7 Q. Good morning, Mr. Goldstein. My name 8 is Monique Mooney. I'm an attorney, and I represent 9 the plaintiffs in this matter. 10 In the room, we have attorneys 11 representing other defendants in the case. I don't 12 know if you want to go around and introduce 13 yourselves? 14 MS. FLAX: Good morning, 15 Mr. Goldstein. My name is Melissa Flax. I 16 represent Handy &amp; Harman Tube Company. 17 MR. PETTIT: Jeffrey Pettit. I 18 represent Ashland. 19 MR. COOLEY: I'm Seth Cooley. I 20 represent Flexible Circuits. 21 MR. BARNES: Just so the record is 22 clear, I'm Daniel Barnes from Wolff and Samson. I'm 23 here with the witness 24 BY MS. MOONEY: 25 Q. I'm going to give you some</p>	<p>9 1 Q. Okay. Are you taking any medication 2 today, or do you have some other impairment that may 3 hinder your ability to understand and answer my 4 questions? 5 A. No. 6 MS. MOONEY: Okay. I'm going to 7 start out by entering an exhibit. 8 (Report of Kenneth Goldstein, P.E. is 9 marked as Exhibit Goldstein-1 for Identification.) 10 Q. Mr. Goldstein, is this an accurate 11 copy of the expert report that you prepared in this 12 case? 13 MR. BARNES: Take a moment to review. 14 Q. Take your time and review it. 15 A. Yes, this is a copy of my report. 16 Q. And, Mr. Goldstein, does that include 17 all the appendices to the report as well? 18 A. Yes, ma'am. 19 Q. Thank you. I'd like to ask you some 20 questions about your preparation for this deposition 21 today. 22 Did you review any documents in 23 preparation for this deposition today? 24 A. Yes. 25 Q. And what documents were they?</p>

K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">10</p> <p>1       <b>A. The documents that are in the</b>  2       <b>appendix to the report.</b>  3       Q. And, Mr. Goldstein, are you referring  4       to Appendix B?  5       <b>A. Yes, ma'am.</b>  6       Q. And of these documents listed in  7       Appendix B, did you review all of these documents or  8       just certain ones?  9       <b>A. Just certain ones.</b>  10      Q. Can you identify the documents that  11      you reviewed in preparation for today?  12      <b>A. Well, I reviewed my expert report,</b>  13      <b>which is not on the list, but it was one of the</b>  14      <b>documents I reviewed. I reviewed the two reports to</b>  15      <b>Congress.</b>  16      Q. And you are referring to the 1979  17      reports?  18      <b>A. Yes.</b>  19      Q. Okay.  20      <b>A. I reviewed the motion for summary</b>  21      <b>judgment and the answer to plaintiff interrogatories</b>  22      <b>from AETC.</b>  23      <b>I reviewed the objections and</b>  24      <b>responses of plaintiffs to the AETC's initial set of</b>  25      <b>interrogatories.</b></p>	<p style="text-align: right;">12</p> <p>1       has?  2       <b>A. It's a complete set that I possess.</b>  3       <b>I did a review of the document file in one of these</b>  4       <b>offices in this building a few months ago, and I</b>  5       <b>tabbed a few documents to be copied and this is --</b>  6       <b>that is the collection.</b>  7       Q. The items that you tabbed when you  8       were here previously are the items that Mr. Barnes  9       has?  10      <b>A. Yes.</b>  11      Q. Okay. And when you refer here, at  12      the bottom of Appendix B, to bills of lading,  13      invoices and various correspondence, are you  14      referring only to those tagged items or additional  15      items?  16      <b>A. Just the tagged items.</b>  17      Q. Okay. So if I review what Mr. Barnes  18      has in his office today, that will be the entire  19      category of this last entry here on Appendix B?  20      <b>A. Correct -- well, clarification.</b>  21      <b>There is one document that I have that is not --</b>  22      <b>that is not on the list that I reviewed. It's the</b>  23      <b>summary judgment decision that was from the judge</b>  24      <b>last week or the week before.</b>  25      Q. Is that the order and opinion issued</p>
<p style="text-align: right;">11</p> <p>1       <b>I reviewed bits and pieces of the</b>  2       <b>various depositions, and I reviewed the last item</b>  3       <b>bills of lading, invoices, and various</b>  4       <b>correspondence.</b>  5       Q. Were you directed to review any of  6       the aforementioned items?  7       <b>A. No.</b>  8       Q. The last item that you mentioned at  9       the bottom -- bills of lading, invoices -- do you  10      have copies of those?  11      <b>A. With me today, you mean?</b>  12      Q. Yes. I mean, do you have them today  13      or anywhere?  14      <b>A. Yes.</b>  15      Q. Okay. Do you have them here with you  16      today?  17      <b>A. They're in Mr. Barnes's office.</b>  18      MS. MOONEY: Okay. Can I get copies  19      of those at the break?  20      MR. BARNES: Sure. I don't know if I  21      can get you copies. I can get you access to them.  22      MS. MOONEY: That's fine.  23      Q. Are those the same bills of ladings,  24      invoices and various correspondence that -- is it  25      the complete set that is listed here that Mr. Barnes</p>	<p style="text-align: right;">13</p> <p>1       by the Court on AETC's summary judgment motion?  2       <b>A. I'm not sure of the title, but it</b>  3       <b>sounds like we're talking about the same thing. I</b>  4       <b>did look at that over the last week.</b>  5       Q. And did you do that at someone's  6       direction?  7       <b>A. Yes.</b>  8       Q. And whose direction was that?  9       <b>A. Mr. Sabino.</b>  10      Q. And do you know why he asked you to  11      read that?  12      MR. BARNES: Objection. Calls for  13      speculation. It's also, I think, an inquiry into  14      work product.  15      MS. MOONEY: Are you instructing him  16      not to answer?  17      MR. BARNES: Yes, I am.  18      Q. Okay. Other than the documents that  19      you've just identified on Appendix B, and then, in  20      addition, the order that you described, did you  21      review any other documents in preparation for the  22      deposition today?  23      <b>A. No.</b>  24      Q. And you mentioned that you brought  25      some documents with you today that Mr. Barnes has</p>

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K. GOLDSTEIN, P.E. - Direct

<p>14</p> <p>1 is that right?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. Any other documents that were</p> <p>4 brought today, other than the ones in Mr. Barnes's</p> <p>5 possession?</p> <p>6 A. No.</p> <p>7 Q. Did you talk with any representatives</p> <p>8 of AETC in preparation for the deposition today?</p> <p>9 A. No.</p> <p>10 MR. BARNES: By that, you mean other</p> <p>11 than lawyers?</p> <p>12 MS. MOONEY: Yes.</p> <p>13 MR. BARNES: Okay.</p> <p>14 Q. Other than Counsel for AETC.</p> <p>15 A. Okay.</p> <p>16 Q. Did you talk with any principals or</p> <p>17 employees of AETC?</p> <p>18 A. No.</p> <p>19 Q. And did you talk with AETC's counsel</p> <p>20 today --</p> <p>21 A. Yes.</p> <p>22 Q. -- in preparation for this deposition</p> <p>23 today?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And what did you talk about?</p>	<p>16</p> <p>1 Q. Okay. And who was this person?</p> <p>2 A. Andrew Waring, W-a-r-i-n-g.</p> <p>3 Q. And who is Mr. Waring?</p> <p>4 A. He's a vice-president of the firm.</p> <p>5 Q. And the firm is?</p> <p>6 A. Ransom Environmental, R-a-n-s-o-m.</p> <p>7 Q. You said that Mr. Sabino initially</p> <p>8 contacted Mr. Waring in order to get expert help in</p> <p>9 this case?</p> <p>10 A. That's the impression I got, yes.</p> <p>11 Q. Okay. What are -- do you know</p> <p>12 anything about the nature of the relationship</p> <p>13 between Mr. Sabino and Mr. Waring prior to this</p> <p>14 case?</p> <p>15 A. No.</p> <p>16 Q. And where is -- is Mr. Waring your</p> <p>17 boss at Ransom?</p> <p>18 A. He's a colleague. He has a higher</p> <p>19 title than I do, but we all report to the president.</p> <p>20 Q. How long has he been at Ransom?</p> <p>21 A. He's one of the partners who formed</p> <p>22 it, so I think it's eight years.</p> <p>23 Q. Did you say eight?</p> <p>24 A. Eight, yes.</p> <p>25 Q. Do you know anything about</p>
<p>15</p> <p>1 A. Just to general deposition</p> <p>2 guidelines, guidance, if you will.</p> <p>3 Q. And what did that consist of?</p> <p>4 A. To tell the truth, to take breaks</p> <p>5 when I needed, to when lunch would be, things like</p> <p>6 that.</p> <p>7 Q. I should have mentioned that at the</p> <p>8 beginning. If you do need to take a break at any</p> <p>9 time, please let me know and we'll stop.</p> <p>10 A. Sure. Thank you.</p> <p>11 Q. Anything else you talked about?</p> <p>12 A. No.</p> <p>13 Q. I'd like to ask you a few questions</p> <p>14 now about how you became involved in this case and</p> <p>15 rendering an expert report.</p> <p>16 Who first contacted you regarding</p> <p>17 opining in this case?</p> <p>18 A. Well, Mr. Sabino contacted another</p> <p>19 member of the firm I work with. They had a -- I</p> <p>20 gather -- a previous relationship, either from</p> <p>21 another project or another case.</p> <p>22 And I got involved based on the</p> <p>23 discussion between that other gentleman and</p> <p>24 Mr. Sabino about my capabilities, and perhaps that I</p> <p>25 would be a better expert than he would be.</p>	<p>17</p> <p>1 Mr. Waring's background?</p> <p>2 A. He's been in the business 20 plus</p> <p>3 years. He's a geologist, and has an engineering</p> <p>4 degree as well.</p> <p>5 Q. Did you say he was a geologist?</p> <p>6 A. Yes.</p> <p>7 Q. When you say "in the business", what</p> <p>8 do you mean?</p> <p>9 A. His work experience.</p> <p>10 Q. What business are you referring to?</p> <p>11 A. We're an environmental consulting</p> <p>12 firm.</p> <p>13 Q. Okay. Do you know if Mr. Waring has</p> <p>14 any prior regulatory experience?</p> <p>15 A. I don't believe that he has worked</p> <p>16 for any government agency, if that's what you mean,</p> <p>17 but I'm not a hundred percent sure.</p> <p>18 Q. That is what I mean.</p> <p>19 A. I'm not a hundred percent sure if he</p> <p>20 does.</p> <p>21 Q. And how did you, yourself, become</p> <p>22 involved in this case?</p> <p>23 A. I believe that Mr. Sabino and</p> <p>24 Mr. Waring had a conversation about this project,</p> <p>25 and Mr. Waring thought that, because of my</p>

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K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">18</p> <p>1 regulatory background, that I would be a good person 2 to handle the expert report for this project. 3 Q. Did Mr. Waring have any hand in the 4 creation of this report? 5 A. Mr. Waring reviewed a draft of the 6 report, but he did not otherwise have any 7 participation. 8 Q. So is it fair to say that, once you 9 became involved, you took over creating the report? 10 A. That is correct. 11 Q. Did you confer with him -- 12 Mr. Waring -- during the -- about any aspect of the 13 report? 14 A. I may have, on a casual basis, but 15 not in terms of the creation or the -- of the 16 opinions or the development of the work product. 17 Q. Do you recall any of the casual 18 interactions you had with Mr. Waring concerning this 19 report? 20 A. Not offhand, no. 21 Q. Do you remember the general nature of 22 your consultations with him? 23 A. Not offhand, no. 24 Q. Who has retained you in this matter 25 formally?</p>	<p style="text-align: right;">20</p> <p>1 A. Yes. 2 Q. And do you know why, as between you 3 and Mr. Waring, you were the appropriate person to 4 render this report? 5 MR. BARNES: Objection, asked and 6 answered. 7 A. It had to with the regulatory 8 experience. 9 Q. And you said that, after you talked 10 with Mr. Waring, you met with Mr. Sabino as well; is 11 that right? 12 A. We had a conference call. 13 Q. And do you remember approximately 14 when that was? 15 A. I'd say late July. 16 Q. And other than yourself and 17 Mr. Waring and Mr. Sabino, were there any other 18 participants in the call? 19 MR. BARNES: Objection. I don't know 20 if you've established that Mr. Waring was even on 21 the call. 22 MS. MOONEY: I think he had testified 23 before that he was. I could be wrong. 24 A. Mr. Waring was on the call, and 25 Mr. Simon, from Wolff and Samson, joined the call</p>
<p style="text-align: right;">19</p> <p>1 A. Wolff and Samson. 2 Q. Do you remember approximately when 3 you first became involved in the creation of the 4 report? 5 A. I believe it was July of this year. 6 Q. And was it Mr. Waring, you said, that 7 contacted you to talk to you about generating this 8 report, or was it Mr. Sabino? 9 A. First Mr. Waring talked to me about 10 it, to see what my comfort level will be, if you 11 will, on preparing the report. And then we had a 12 discussion with Mr. Sabino about it. 13 Q. When you say comfort level, what do 14 you mean? 15 A. Well, he gave me the particulars that 16 he knew about the project, and asked me if I felt 17 that I would be able to render -- review the 18 material and render an opinion about it. 19 There's -- there's always a decision 20 that an expert makes of whether or not they want to 21 take on a project, and if they don't feel -- or we 22 don't feel we have an expertise, then we don't do 23 the project. 24 Q. Did you feel that you had the 25 relevant expertise to generate this report?</p>	<p style="text-align: right;">21</p> <p>1 for a brief time. 2 Q. Did Mr. Sabino, during that 3 conversation, tell you what he wanted you to do? 4 A. Well, he told us about the project, 5 about the -- little bit of the history of -- a brief 6 overview of the issue that was at hand. 7 Q. And what was that issue at hand? 8 A. That AETC was one of several 9 defendants who were in a litigation matter by a 10 group of plaintiffs who were part of the Boarhead 11 Farms -- I forget the -- I think Agreement Group, it 12 was called. 13 Q. Anything else? 14 A. No. I mean, that's pretty much what 15 he talked about. 16 Q. Did he tell you what he wanted you 17 actually to do in this case? 18 A. He described generally that he wanted 19 the -- a description of what AETC did during this 20 time period, how they were -- what their business 21 was during the mid-to-late seventies, what they did 22 for customers, how they worked with a particular 23 hauler and disposal company, DeRewal Chemical 24 Company. 25 Q. Anything other than the description</p>

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K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">22</p> <p>1 that you just described?</p> <p>2 A. Well, no, 'cause it was very general,</p> <p>3 because at the time, we didn't really have an idea</p> <p>4 of the project, so we hadn't looked at any documents</p> <p>5 yet. So it was a very general discussion.</p> <p>6 Q. At some later point, did the task</p> <p>7 that Mr. Sabino wanted you to perform narrow?</p> <p>8 A. No, I don't think so.</p> <p>9 Q. So other than a description of what</p> <p>10 AETC did, what their business was, what they did for</p> <p>11 their customers, is there anything else that</p> <p>12 provides a purpose for this report?</p> <p>13 A. Well, I mentioned, a few minutes ago,</p> <p>14 that a part of it was their relationship with</p> <p>15 DeRewal Chemical Company. So that was the -- if you</p> <p>16 could break it up into the two pieces, those would</p> <p>17 be the two.</p> <p>18 Q. Any other communications with</p> <p>19 representatives of AETC?</p> <p>20 MR. BARNES: Objection as to form.</p> <p>21 Q. Did you have any other communications</p> <p>22 with -- let's start with Mr. Sabino?</p> <p>23 A. I came up to Wolff and Samson to</p> <p>24 review documents, as we mentioned earlier. I talked</p> <p>25 very briefly with Mr. Sabino that date.</p>	<p style="text-align: right;">24</p> <p>1 Samson with regard to the report?</p> <p>2 A. I mentioned Mr. Simon, and obviously</p> <p>3 the meetings with Mr. Barnes.</p> <p>4 Q. Did you ever talk with any other</p> <p>5 representative of AETC? When I say that, I mean</p> <p>6 other than counsel for AETC.</p> <p>7 A. No.</p> <p>8 Q. Did you ever speak with Mr. Robert</p> <p>9 Landmesser?</p> <p>10 A. No.</p> <p>11 Q. Did you ever speak with a Mr. John</p> <p>12 Leuzarder?</p> <p>13 A. No.</p> <p>14 Q. Have you been deposed before?</p> <p>15 A. Yes.</p> <p>16 Q. And how many cases have you been</p> <p>17 deposed in?</p> <p>18 A. Perhaps a dozen.</p> <p>19 Q. I believe, appended to your report --</p> <p>20 let's see -- at the end of Appendix A, there's a</p> <p>21 chart entitled, expert testimony and litigation</p> <p>22 support.</p> <p>23 What is this chart?</p> <p>24 A. It's a chart of selected expert</p> <p>25 projects that I have worked on in my career.</p>
<p style="text-align: right;">23</p> <p>1 He gave me a little bit more detail</p> <p>2 as to the different players, kind of introducing me,</p> <p>3 if you will, to Mr. Michelman and Mr. Risi, in terms</p> <p>4 of that these deposition transcripts would be</p> <p>5 interesting to look at and valuable to the case.</p> <p>6 But otherwise, he left me in the room</p> <p>7 with a pen and a sticky notes, and I went on my way</p> <p>8 and made copies.</p> <p>9 Q. And were you here all day?</p> <p>10 A. I would say half a day.</p> <p>11 Q. And did you confer with Mr. Sabino</p> <p>12 after you reviewed the documents?</p> <p>13 A. Other than to say I was leaving, no.</p> <p>14 Q. Okay. Any other subsequent</p> <p>15 communications with Mr. Sabino?</p> <p>16 A. I had a deposition preparation</p> <p>17 meeting with Mr. Barnes and Mr. Sabino last week.</p> <p>18 Q. And what was the substance of that</p> <p>19 meeting?</p> <p>20 A. Deposition formatting, and they</p> <p>21 wanted to make sure that I understood the boundaries</p> <p>22 and the conditions of a deposition, and I received</p> <p>23 the judge's ruling that date.</p> <p>24 Q. Other than Mr. Sabino, did you ever</p> <p>25 confer with any other representatives of Wolff and</p>	<p style="text-align: right;">25</p> <p>1 Q. Okay. Does this chart show all of</p> <p>2 the depositions that you have been subject to?</p> <p>3 A. I believe so, but I -- honestly, when</p> <p>4 I created the list, I didn't have a perfect record.</p> <p>5 So I did it on the best of my recollection.</p> <p>6 Q. Okay. Let me ask you then about the</p> <p>7 general nature of the cases that you've been deposed</p> <p>8 in before.</p> <p>9 To the extent that you can recall,</p> <p>10 can you just tell me what the case was, when you</p> <p>11 were deposed, and the general nature of your</p> <p>12 involvement in the case?</p> <p>13 A. Okay. The third item down, New</p> <p>14 Jersey Manufacturers is my client. I was deposed</p> <p>15 regarding a former foundry in South Jersey. And the</p> <p>16 core issue was an allocation of cleanup costs for</p> <p>17 the site.</p> <p>18 Q. Is that what you rendered expert</p> <p>19 advice regarding --</p> <p>20 A. Yes.</p> <p>21 Q. -- allocation issues?</p> <p>22 A. Yes.</p> <p>23 Q. How about the one underneath that?</p> <p>24 A. Island Transportation, I gave</p> <p>25 deposition testimony regarding a contamination plume</p>

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<p style="text-align: right;">26</p> <p>1 and its -- the relative cleanup costs, compared to a 2 regional groundwater plume that was in the same 3 location. 4 Q. Was the main purpose of your 5 involvement opining as to the appropriate costs in 6 the case? 7 A. More as to the source of 8 contamination at the site. 9 Q. So it was more of a technical 10 opinion? 11 A. Yes. A couple down, Heritage 12 Minerals, I gave deposition testimony on behalf of a 13 property owner whose property was impacted by 14 chlorinated solvents flowing on to their property 15 from an upgradient source. 16 Q. And what was the nature of that 17 testimony? 18 A. Technical in nature, in terms of the 19 confirmation that the contamination did come from 20 the upgradient source. 21 MR. BARNES: Just so we're clear 22 here, you want him to go over the ones he actually 23 testified in deposition? 24 Q. You know what, if you could just 25 summarize, for each of these, what the nature of</p>	<p style="text-align: right;">28</p> <p>1 Century Insurance was about a -- that 2 was the project where the -- figuring out when the 3 contamination began at a property from underground 4 storage tanks. 5 The Racklewer (phonetic) matter was 6 about the soil and groundwater contamination at a 7 site, and also a cost allocation type of project. 8 The Estate of Thelma Dear was about 9 the cause of a discharge of fuel oil at the site, 10 and reviewing the costs of remediation. 11 Conair was a report and deposition 12 testimony regarding underground storage tank 13 integrity tests. 14 Hudson Environmental was a 15 mediation -- I gave testimony at a mediation 16 regarding a malfeasance claim against the client 17 regarding their work at the particular underground 18 storage tank site. 19 Q. When you say their work, what exactly 20 does that refer to? 21 A. Their remediation work, underground 22 storage tank soil and groundwater cleanup work. 23 The Island Transportation, there were 24 three separate gas stations involving multiple 25 sources of contamination, and trying to sort out</p>
<p style="text-align: right;">27</p> <p>1 your expert report was, that would be useful. 2 MR. BARNES: His expert report or 3 expert testimony? 4 MS. MOONEY: Well, let's start with 5 expert report. 6 A. Okay. Well, in all of these, I 7 believe I issued an expert report. 8 To be specific, on Mulholland, it was 9 a report on the appropriateness of remedial actions 10 that occurred at the site, and the cost for the 11 clean up of that contamination. 12 For Harleysville Mutual, it was 13 regarding the date that a release took place that 14 caused contamination from a property and impacted 15 some potable wells. 16 Q. Was that a technical assessment that 17 you rendered in that case? 18 A. Yes. Viacom was a report regarding 19 the cost of remediation at a site of -- oh, which 20 entity caused which contamination, and thus 21 allocated costs based upon that. 22 The Recuperacion project was about 23 the -- was about the -- a gasoline contamination 24 case and the costs of cleaning up the contamination 25 and which entity caused the contamination.</p>	<p style="text-align: right;">29</p> <p>1 what source caused the biggest portion of the 2 cleanup. 3 Pepack-Gladstone was an arbitration 4 hearing about the source of hydrogen sulfide in 5 sewer lines. 6 Hahola was a project about the -- 7 figuring out when they -- a gasoline tank discharged 8 for an insurance claim. 9 Hartz Mountain, also about 10 underground storage tanks discharge. 11 Q. And that was technical in nature? 12 A. Yes. Had to do with when the tank 13 started to corrode and leak. I don't remember much 14 else about it. 15 Home Insurance was a review of a cost 16 estimate -- remedial cost estimate by a claimant for 17 superfund sites, and I worked for the insurance 18 company to write the expert opinion on how much -- 19 whether or not their costs were appropriate. 20 A second Home Insurance project, it's 21 very similar, just different superfund sites. A 22 claimant again produced a bill, if you will, to the 23 insurance company for lots of money, and they wanted 24 someone to review it. 25 And Dover Engineering, remediation of</p>

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K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">30</p> <p>1 an underground storage tank project, again, with the</p> <p>2 costs -- reviewing the costs, showing that they were</p> <p>3 appropriate.</p> <p>4 And the last one is -- was about</p> <p>5 the -- I gave testimony and prepared a report about</p> <p>6 the origin of fuel oil discharge, whether -- what</p> <p>7 date and time the fuel oil discharged at the site.</p> <p>8 Q. Thank you. Of the entries in this</p> <p>9 chart, are any of them -- or are any of the expert</p> <p>10 reports that you rendered in any of these cases what</p> <p>11 you would consider to be similar to the expert</p> <p>12 report you rendered in this case?</p> <p>13 MR. BARNES: Objection as to form.</p> <p>14 I'm trying to understand what "similar" means in</p> <p>15 this context.</p> <p>16 Q. Okay. If you understand, you can</p> <p>17 answer.</p> <p>18 A. I'd like the question rephrased.</p> <p>19 Q. Okay. Similar -- it sounds, from</p> <p>20 your description, that most of these were technical</p> <p>21 in nature.</p> <p>22 I guess what I'm asking is if any of</p> <p>23 these expert reports on the chart were based on the</p> <p>24 kind of historical summary that you rendered in the</p> <p>25 report today?</p>	<p style="text-align: right;">32</p> <p>1 A. Well, that's the way I understood --</p> <p>2 MR. BARNES: Objection as to form.</p> <p>3 You can answer, if you believe you can.</p> <p>4 A. That's the way I interpreted your</p> <p>5 question before, so my answer is the same.</p> <p>6 Q. Okay. Okay. I'm going to ask you</p> <p>7 some questions about your background now.</p> <p>8 A. Okay.</p> <p>9 Q. I'll be referring to your CV in the</p> <p>10 course of doing that. That's Appendix A in your</p> <p>11 report.</p> <p>12 Could you state your full name?</p> <p>13 A. Kenneth Goldstein.</p> <p>14 Q. And your address?</p> <p>15 A. Home address or work?</p> <p>16 Q. Home.</p> <p>17 A. 207 West Ferry Road, Yardley,</p> <p>18 Pennsylvania.</p> <p>19 Q. Your date of birth?</p> <p>20 A. 12/29/53.</p> <p>21 Q. Where did you attend college,</p> <p>22 undergrad?</p> <p>23 A. Rensselaer Polytechnic Institute.</p> <p>24 Q. What years did you attend Rensselaer?</p> <p>25 A. From '71 through '76.</p>
<p style="text-align: right;">31</p> <p>1 A. I understand. The -- you're</p> <p>2 stretching my recollection, but I believe the Hudson</p> <p>3 Environmental case did go back to reviewing when</p> <p>4 certain underground storage tanks -- storage tank</p> <p>5 laws came into effect, and what the appropriate</p> <p>6 cleanup requirements were at each particular time.</p> <p>7 Q. Do any of these in any of --</p> <p>8 MR. BARNES: I'm sorry, were you</p> <p>9 finished with your answer?</p> <p>10 THE WITNESS: I am, because I don't</p> <p>11 recall any others.</p> <p>12 A. And in almost all the projects,</p> <p>13 there's some value to knowing what the regulatory</p> <p>14 history is.</p> <p>15 So -- but to answer your question the</p> <p>16 way you framed it, I'd have to go back and think</p> <p>17 about each one, and if I think of any others besides</p> <p>18 the Hudson, I'll tell you after the break.</p> <p>19 Q. Okay. Let me try to rephrase it one</p> <p>20 more time, or maybe ask a slightly different</p> <p>21 question.</p> <p>22 Have you ever rendered an expert</p> <p>23 report, the primary thrust of which is whether or</p> <p>24 not an entity complied with applicable regulatory</p> <p>25 requirements in the past?</p>	<p style="text-align: right;">33</p> <p>1 Q. Did you take any -- was that the</p> <p>2 normal time period for the program that you were in</p> <p>3 at that time?</p> <p>4 A. Yes. I have a bachelor's and a</p> <p>5 master's. It's a five-year program.</p> <p>6 Q. All right. So your master's -- when</p> <p>7 you graduated in 1976, you graduated with both --</p> <p>8 A. Correct.</p> <p>9 Q. -- bachelor of science and a</p> <p>10 master's --</p> <p>11 A. Of engineering, correct.</p> <p>12 Q. What was your major or concentration</p> <p>13 when you were there?</p> <p>14 A. Environmental engineering.</p> <p>15 Q. Were you taking graduate courses</p> <p>16 concurrently with undergraduate courses?</p> <p>17 A. Yes.</p> <p>18 Q. All right. And for the whole five</p> <p>19 years?</p> <p>20 A. No.</p> <p>21 Q. Okay. When did you start taking</p> <p>22 master's courses?</p> <p>23 A. In my senior year of college.</p> <p>24 Q. So would that be 1975?</p> <p>25 A. '74/'75.</p>

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K. GOLDSTEIN, P.E. - Direct

<p>34</p> <p>1 Q. '74/'75. And prior to that, prior to</p> <p>2 '74/'75, what were the types of courses that you</p> <p>3 were taking?</p> <p>4 A. Typical engineering courses -- core</p> <p>5 courses. I took calculus, chemistry, physics,</p> <p>6 introduction to engineering courses, electrical</p> <p>7 engineering, mechanical, civil type courses.</p> <p>8 Q. And when you were taking -- did you</p> <p>9 finish your undergraduate course load in '74/'75 --</p> <p>10 A. No.</p> <p>11 Q. -- or did you continue to take</p> <p>12 undergraduate courses up until '76?</p> <p>13 A. Undergraduate was done in '75.</p> <p>14 Q. So how many -- how long a time period</p> <p>15 were you doing the course work for your master's?</p> <p>16 A. Part of the year -- part of my senior</p> <p>17 year, and then the graduate year.</p> <p>18 Q. So about a year and a half?</p> <p>19 A. That's fair.</p> <p>20 Q. And what were the courses that you</p> <p>21 took in the master's program?</p> <p>22 A. Focused on four real world courses,</p> <p>23 if you will: Water and wastewater engineering,</p> <p>24 solid waste management, air pollution engineering,</p> <p>25 focusing on my major, the environmental engineering</p>	<p>36</p> <p>1 including the solid waste course, they were geared</p> <p>2 towards national regulations and statutes that were</p> <p>3 out at the time.</p> <p>4 We may have had a class or two</p> <p>5 specific to New York, but the course load involved</p> <p>6 all of the environmental laws. It was a very</p> <p>7 dramatic time to be going to school for</p> <p>8 environmental engineering, so there were a lot of</p> <p>9 federal laws being passed and we talked a lot about</p> <p>10 them.</p> <p>11 Q. Did you have any courses involving</p> <p>12 New Jersey regulatory requirements regarding waste</p> <p>13 management?</p> <p>14 A. When I was at Rensselaer?</p> <p>15 Q. Yes.</p> <p>16 A. No.</p> <p>17 Q. How about any experience with</p> <p>18 Pennsylvania regulatory requirements pertaining to</p> <p>19 waste management while you were at Rensselaer?</p> <p>20 A. No.</p> <p>21 Q. Did you have any -- were you awarded</p> <p>22 any honors at Rensselaer?</p> <p>23 A. No.</p> <p>24 Q. Do you recall your class standing</p> <p>25 upon graduation?</p>
<p>35</p> <p>1 Q. I don't think I asked this, but did</p> <p>2 you attend Rensselaer for your master's as well?</p> <p>3 A. Correct.</p> <p>4 Q. What did the solid waste management</p> <p>5 courses you took consist of?</p> <p>6 A. Primarily the management of municipal</p> <p>7 and commercial refuse. Pickup -- design of pickups</p> <p>8 and delivery to solid waste management facility -- a</p> <p>9 landfill, if you will -- and disposal, design -- we</p> <p>10 did some design work on landfills. We looked at</p> <p>11 some industrial solid waste issues.</p> <p>12 Q. Were these tasks that you just</p> <p>13 described, in connection with your solid waste</p> <p>14 management course, New York specific or not?</p> <p>15 MR. BARNES: Objection as to form.</p> <p>16 I'm not sure I follow the question.</p> <p>17 Q. Well, is it correct that Rensselaer</p> <p>18 is in New York --</p> <p>19 A. Correct.</p> <p>20 Q. -- State?</p> <p>21 Were the things that you were</p> <p>22 learning in your solid waste management courses</p> <p>23 tailored to the New York regulatory scheme at the</p> <p>24 time or some other scheme?</p> <p>25 A. No, they were -- all the courses,</p>	<p>37</p> <p>1 A. No.</p> <p>2 Q. Other than the BS and the master's at</p> <p>3 Rensselaer, have you received any special training?</p> <p>4 A. You mean after my college --</p> <p>5 Q. Yes.</p> <p>6 A. -- time?</p> <p>7 I went to a lot of different seminars</p> <p>8 and training sessions while I worked at the New</p> <p>9 Jersey Department of Environmental Protection.</p> <p>10 Q. Any having to do with waste</p> <p>11 management?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Do you recall the substance of</p> <p>14 those courses?</p> <p>15 A. Not specifically, no.</p> <p>16 Q. Did they deal with hazardous waste</p> <p>17 management?</p> <p>18 A. Yes.</p> <p>19 Q. Did they deal with the transportation</p> <p>20 of waste?</p> <p>21 A. Again, I don't recall the specifics.</p> <p>22 We talked about -- I know we talked about the</p> <p>23 passage of the Resource Conservation Recovery Act</p> <p>24 and what it meant for New Jersey's environmental</p> <p>25 protection and part of the regulatory framework that</p>

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K. GOLDSTEIN, P.E. - Direct

<p>38</p> <p>1 we were all working under at the time.</p> <p>2 Q. Do you recall the dates of any of</p> <p>3 those courses?</p> <p>4 A. They would be in the late seventies;</p> <p>5 but other than that, I couldn't be more specific.</p> <p>6 Q. Did you ever take any courses or</p> <p>7 other type of training in waste management in</p> <p>8 Pennsylvania?</p> <p>9 A. Yes.</p> <p>10 Q. What was that?</p> <p>11 A. I took a course on the Act II law and</p> <p>12 implementation of that law.</p> <p>13 Q. Did you attend that in Pennsylvania?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Where did you attend that in</p> <p>16 Pennsylvania?</p> <p>17 A. Harrisburg.</p> <p>18 Q. Do you recall when that was?</p> <p>19 A. I would say around the year 2000,</p> <p>20 somewhere in that time frame.</p> <p>21 Q. Was there a particular reason you</p> <p>22 took that training or course?</p> <p>23 A. Well, there was a new law in</p> <p>24 Pennsylvania, and it was a business development</p> <p>25 opportunity.</p>	<p>40</p> <p>1 OSHA started in '93 perhaps, and annually since</p> <p>2 then.</p> <p>3 Q. Do you have any experience teaching</p> <p>4 at all?</p> <p>5 A. Yes.</p> <p>6 Q. Can you describe your teaching</p> <p>7 experience?</p> <p>8 A. Well, the most frequent course that I</p> <p>9 have taught has to deal with underground storage</p> <p>10 tanks in New Jersey, and the requirements for</p> <p>11 management of tanks, and the requirements for the</p> <p>12 remediation of discharges from these tanks.</p> <p>13 Q. Okay. When did you first start</p> <p>14 teaching those courses?</p> <p>15 A. Oh, probably '86.</p> <p>16 Q. Have you taught -- and where do you</p> <p>17 teach these?</p> <p>18 A. Where? You mean in New Jersey?</p> <p>19 Q. Let's start, in 1986 -- you first</p> <p>20 started these in 1986?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. Where do you give these -- is</p> <p>23 this a course or training or what is it?</p> <p>24 A. It's a training. I -- from '86 till</p> <p>25 '92, I was at DEP, and I taught these courses more</p>
<p>39</p> <p>1 Q. Do you have any experience with Act</p> <p>2 II in Pennsylvania?</p> <p>3 A. Not a lot, no.</p> <p>4 Q. Any other training that you've had in</p> <p>5 the course of your career regarding handling of</p> <p>6 waste or transportation of waste or disposal of</p> <p>7 waste?</p> <p>8 A. (No response.)</p> <p>9 Q. I'm talking about solid waste now.</p> <p>10 A. I've been taking OSHA training</p> <p>11 courses for years and years. Quite a few of the</p> <p>12 annual training courses that I've taken have dealt</p> <p>13 with the toxicity of waste, the care that must be</p> <p>14 taken in packaging waste before it's placed on a</p> <p>15 truck and shipped.</p> <p>16 So I have a working knowledge of the</p> <p>17 DOT rules and the state rules regarding</p> <p>18 transportation.</p> <p>19 Q. And when you say you have a working</p> <p>20 knowledge, do you mean the present rules?</p> <p>21 A. Well, the rules as they've evolved</p> <p>22 since I've taken the courses.</p> <p>23 Q. Okay. And these were taken in the</p> <p>24 late seventies, you said?</p> <p>25 A. No. These particular courses for</p>	<p>41</p> <p>1 to train other people in the regulated community on</p> <p>2 what the regulations were and what people had to</p> <p>3 comply with.</p> <p>4 From '92 on, I was at a consulting</p> <p>5 firm, and I taught them as part of a requirement</p> <p>6 that all certified individuals in New Jersey have to</p> <p>7 take in order to maintain their certification.</p> <p>8 Q. And when you say certification, what</p> <p>9 certification?</p> <p>10 A. It's called underground storage tank</p> <p>11 certification. There's an act that was passed in</p> <p>12 1991 that required individuals who performed</p> <p>13 services for regulated underground storage tanks to</p> <p>14 be certified by the DEP.</p> <p>15 Q. Going back to the '86 to '92 time</p> <p>16 period, were the trainings that you gave in that</p> <p>17 time period all the same?</p> <p>18 A. No. It evolved as regulations</p> <p>19 changed.</p> <p>20 Q. Other than the substantive regulatory</p> <p>21 requirements, was the format the same?</p> <p>22 A. Could you rephrase or be more</p> <p>23 specific?</p> <p>24 Q. I guess what I'm trying to get at is</p> <p>25 whether or not this was a yearly thing that you did</p>

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K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">42</p> <p>1 or some other periodic thing that you did.</p> <p>2 <b>A. Oh. It was more as-needed. We</b></p> <p>3 <b>designed the courses to be helpful to the owners of</b></p> <p>4 <b>underground storage tanks, and those folks who were</b></p> <p>5 <b>at that time, were doing the cleanup.</b></p> <p>6 <b>So we would do -- between my staff</b></p> <p>7 <b>and I, we'd do, you know, a hundred a year perhaps</b></p> <p>8 <b>of maybe -- maybe a hundred over the five-year</b></p> <p>9 <b>period, but a lot of courses, just to present the</b></p> <p>10 <b>regulatory structure that they had to meet.</b></p> <p>11 <b>Q. And these all had to do with</b></p> <p>12 <b>underground storage tank requirements?</b></p> <p>13 <b>A. In that time, yes.</b></p> <p>14 <b>Q. You may have already said this, was</b></p> <p>15 <b>this something you gave to the public or did you</b></p> <p>16 <b>give to other DEP employees?</b></p> <p>17 <b>A. Both. More to the public, but other</b></p> <p>18 <b>DEP employees needed to know it as well.</b></p> <p>19 <b>Q. And then -- so that described '86 to</b></p> <p>20 <b>'92, is that right?</b></p> <p>21 <b>A. Correct.</b></p> <p>22 <b>Q. Then in '92 to '96, the second period</b></p> <p>23 <b>that you described, was that having to do solely</b></p> <p>24 <b>with underground storage tank issues as well or</b></p> <p>25 <b>something else?</b></p>	<p style="text-align: right;">44</p> <p>1 <b>Q. I am going to ask you -- I'm sorry.</b></p> <p>2 <b>I talked over you -- but I'm going to ask you</b></p> <p>3 <b>detailed questions about your experience at New</b></p> <p>4 <b>Jersey DEP and your various functions, and I'd like</b></p> <p>5 <b>to save that -- flag that for discussion then.</b></p> <p>6 <b>A. Sure.</b></p> <p>7 <b>Q. Other than that, anything else that</b></p> <p>8 <b>you can recall in the way of teaching?</b></p> <p>9 <b>A. After '92, I believe I gave a couple</b></p> <p>10 <b>of courses and -- not courses -- excuse me --</b></p> <p>11 <b>training on other aspects of environmental</b></p> <p>12 <b>protection, but it would focus on my expertise --</b></p> <p>13 <b>focus on my expertise in the water and wastewater or</b></p> <p>14 <b>site remediation programs.</b></p> <p>15 <b>Q. Have you ever taught at a university?</b></p> <p>16 <b>A. Not as a professor, no.</b></p> <p>17 <b>Q. In any capacity?</b></p> <p>18 <b>A. Well, some of these courses have</b></p> <p>19 <b>taken place at university settings. So I didn't</b></p> <p>20 <b>want to mislead you.</b></p> <p>21 <b>Q. Got you. Okay. All right. Let's</b></p> <p>22 <b>talk about -- going back to what you had just</b></p> <p>23 <b>touched on, let's talk about your employment</b></p> <p>24 <b>history.</b></p> <p>25 <b>I'd like to go -- your CV doesn't</b></p>
<p style="text-align: right;">43</p> <p>1 <b>A. Well, it was from '92 to 2006 -- to</b></p> <p>2 <b>the present.</b></p> <p>3 <b>Q. I am sorry. I wrote that down</b></p> <p>4 <b>incorrectly.</b></p> <p>5 <b>A. But that -- while I've given other</b></p> <p>6 <b>training courses, the focus that we're talking</b></p> <p>7 <b>about, with your question, is -- over that 15-year</b></p> <p>8 <b>period, it's been underground storage tanks.</b></p> <p>9 <b>Q. And were these -- were these training</b></p> <p>10 <b>courses, or how would you describe them?</b></p> <p>11 <b>A. Mostly courses. As I said, it's a</b></p> <p>12 <b>requirement for those individuals maintaining their</b></p> <p>13 <b>certification to have this particular course.</b></p> <p>14 <b>Q. Other than what you just described,</b></p> <p>15 <b>the '86 to '92, and the '92 to the present work, any</b></p> <p>16 <b>other courses or teaching experience that you've</b></p> <p>17 <b>had?</b></p> <p>18 <b>A. Well, before '86, from '76 to '86, I</b></p> <p>19 <b>was at the DEP in the division of water resources,</b></p> <p>20 <b>and I presented regulatory courses on different</b></p> <p>21 <b>programs that I was involved with -- industrial</b></p> <p>22 <b>pretreatment program, sludge management program, the</b></p> <p>23 <b>New Jersey pollutant discharge elimination system</b></p> <p>24 <b>program -- so I would give both internal and</b></p> <p>25 <b>external training on those.</b></p>	<p style="text-align: right;">45</p> <p>1 <b>have any dates in it. What I'd like to do is, from</b></p> <p>2 <b>the time that you graduated from Rensselaer, I'd</b></p> <p>3 <b>like to, step by step, inquire as to your employment</b></p> <p>4 <b>history after that.</b></p> <p>5 <b>A. Sure.</b></p> <p>6 <b>Q. So why don't we start with 1976.</b></p> <p>7 <b>A. Correct.</b></p> <p>8 <b>Q. Is that when you graduated?</b></p> <p>9 <b>A. Correct.</b></p> <p>10 <b>Q. Let's start with 1976. Can you</b></p> <p>11 <b>describe the job -- the first job that you had out</b></p> <p>12 <b>of college, the time period, the -- you know, the</b></p> <p>13 <b>title, where you worked, when you worked?</b></p> <p>14 <b>Those are the kinds of things that</b></p> <p>15 <b>I'm interested in. So I'll prompt you, but that's</b></p> <p>16 <b>just generally where I'm going.</b></p> <p>17 <b>A. Sure. Well, overall, from '76 to</b></p> <p>18 <b>'92, I was at the New Jersey DEP at various job</b></p> <p>19 <b>titles and capacities.</b></p> <p>20 <b>The first job was with an office</b></p> <p>21 <b>called program development, and --</b></p> <p>22 <b>Q. Before you go on, how did you get the</b></p> <p>23 <b>job at New Jersey DEP?</b></p> <p>24 <b>A. One of the managers at DEP came</b></p> <p>25 <b>across a resume of a friend of mine, and I made the</b></p>

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K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">46</p> <p>1 communication through my friend to this individual  2 who was looking for a recent graduate engineer. So  3 I made the connection and applied and got the  4 position.  5 Q. And where was the New Jersey DEP at  6 that time?  7 A. <b>Trenton.</b>  8 Q. Okay. All right. You can go ahead.  9 A. <b>Okay.</b>  10 MR. BARNES: Objection. You're  11 calling for him to do a narrative answer. I know  12 this is just background.  13 If you could sort of guide him  14 through it.  15 MS. MOONEY: I definitely will.  16 Q. So in 1976, what was your first job  17 with DEP?  18 A. <b>At the office of program development.</b>  19 Q. How long -- what was your position at  20 the office of program development in 1976?  21 A. <b>I think it's called assistant</b>  22 <b>engineer.</b>  23 Q. And were you in some media or what  24 was the --  25 A. <b>It was in the division of water</b></p>	<p style="text-align: right;">48</p> <p>1 plants being upgraded, and the tracking systems in  2 those days were not as sophisticated as they are  3 now. So I helped develop mechanisms to make it  4 easier.  5 Q. And how did you help out in the  6 policy aspects of this?  7 A. <b>Well, certainly, I was not a policy</b>  8 <b>maker at the time, but I remember attending a bunch</b>  9 <b>of meetings regarding how the funds were to be</b>  10 <b>distributed, how to keep track of the funds, and the</b>  11 <b>status of each wastewater plant.</b>  12 Q. When you say the funds distributed,  13 so EPA was funding the -- what -- the upgrading and  14 construction of POTWs in New Jersey?  15 A. <b>Correct.</b>  16 Q. And did New Jersey get a pot of money  17 that New Jersey allocated to different POTWs, or how  18 did it work?  19 A. <b>That's a good overview, but it got a</b>  20 <b>little more complicated, because each POTW had to</b>  21 <b>conduct a needs survey that would itemize what their</b>  22 <b>wish list was, in terms of upgrades, and how much it</b>  23 <b>would cost.</b>  24 <b>Part of the role of the DEP was to</b>  25 <b>figure out a priority list, so that the funds got</b></p>
<p style="text-align: right;">47</p> <p>1 resources.  2 Q. All right. What were your duties in  3 that position?  4 A. <b>I helped out with the planning --</b>  5 <b>internal planning and policy aspects for the</b>  6 <b>construction grants program.</b>  7 Q. You said construction grants program?  8 A. <b>Correct.</b>  9 Q. And what was that?  10 A. <b>Construction grants program was an</b>  11 <b>EPA grant program to fund wastewater treatment</b>  12 <b>plants -- publicly owned wastewater treatment</b>  13 <b>plants.</b>  14 Q. Okay. And what kind of help with the  15 internal planning did you do?  16 A. <b>I helped develop one of their first</b>  17 <b>computer systems. I wrote up some forms that -- for</b>  18 <b>internal use.</b>  19 Q. What kind of forms?  20 A. <b>Just paper forms that people filled</b>  21 <b>out. I don't know how else to describe it.</b>  22 Q. For what purpose?  23 A. <b>To better track the status of</b>  24 <b>wastewater treatment plants in New Jersey.</b>  25 <b>At the time, there were a lot of</b></p>	<p style="text-align: right;">49</p> <p>1 <b>allocated to the facilities that needed them the</b>  2 <b>most.</b>  3 Q. And how long were you -- or what was  4 the time period that you were in this function?  5 A. <b>About a year.</b>  6 Q. So that would take us to 1977, is  7 that right?  8 A. <b>Correct.</b>  9 Q. Okay. Anything else that you did in  10 this capacity from 1976 through 1977?  11 A. <b>Well, I'm sure there were other items</b>  12 <b>but that was -- that's a reasonable overview.</b>  13 Q. That you recall?  14 A. <b>Sure. That's fine.</b>  15 Q. Okay. Did you have any experience,  16 during this time period, in the waste management  17 side of DEP?  18 A. <b>No.</b>  19 Q. Okay. In 1977, did you move onto  20 another position at New Jersey DEP?  21 A. <b>Yes.</b>  22 Q. What was that?  23 A. <b>It was in the office of sludge</b>  24 <b>management.</b>  25 Q. What was the office of sludge</p>

ESQUIRE DEPOSITION SERVICES



K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">50</p> <p>1 management?</p> <p>2 <b>A. Its role was to develop regulations</b></p> <p>3 <b>and policy and guidance for the proper treatment and</b></p> <p>4 <b>disposal of municipal and industrial sewage sludge.</b></p> <p>5 Q. Did you say industrial sewage sludge?</p> <p>6 <b>A. Yes, municipal and industrial.</b></p> <p>7 Q. Municipal and industrial. And when</p> <p>8 you say sewage, do you mean sewage as a term of art,</p> <p>9 sewage?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. All right. So this -- you do not</p> <p>12 mean manufacturing sludge -- or I should restate</p> <p>13 that.</p> <p>14 Your job in this capacity did not</p> <p>15 have to -- did it have to do with industrial sludge,</p> <p>16 other than sewage proper?</p> <p>17 <b>MR. BARNES: Objection. Asked and</b></p> <p>18 <b>answered. I think he gave the answer.</b></p> <p>19 <b>A. Your question's a little bit stilted.</b></p> <p>20 <b>Could you rephrase it? See if there's a different</b></p> <p>21 <b>question there.</b></p> <p>22 Q. Let me see if I can phrase it more</p> <p>23 eloquently.</p> <p>24 Other than dealing with issues</p> <p>25 pertaining to sewage, per se, did you, in this job,</p>	<p style="text-align: right;">52</p> <p>1 <b>municipal and industrial facilities. We developed a</b></p> <p>2 <b>guidance on sampling techniques for determining what</b></p> <p>3 <b>was in the sludge.</b></p> <p>4 We developed -- what's the word I'm</p> <p>5 looking for -- we managed the treatment and disposal</p> <p>6 options for the various large POTWs in the state.</p> <p>7 At that time, they were allowed to dispose of their</p> <p>8 sludge in the ocean, and there was a federally</p> <p>9 mandated ban that was sometime in the future -- I</p> <p>10 believe it was December '81, if I recall -- and we</p> <p>11 administered the efforts of these POTWs to develop</p> <p>12 sludge management plans that would figure out a way</p> <p>13 to dispose of the sludge instead of placing it into</p> <p>14 the ocean.</p> <p>15 <b>MR. BARNES: When you get to a</b></p> <p>16 <b>natural breaking point --</b></p> <p>17 <b>MS. MOONEY: Let me just go through</b></p> <p>18 <b>this position.</b></p> <p>19 <b>MR. BARNES: Sure.</b></p> <p>20 Q. Can you describe it in any more</p> <p>21 precise detail, what actually you did in this</p> <p>22 regard?</p> <p>23 <b>A. Sure. I helped prepare the</b></p> <p>24 <b>regulations -- the sludge management regulations in</b></p> <p>25 <b>New Jersey. I attended countless meetings and</b></p>
<p style="text-align: right;">51</p> <p>1 in 1977, deal with industrial -- deal with</p> <p>2 industrial waste, other than sewage?</p> <p>3 <b>A. I understand. First, a</b></p> <p>4 <b>clarification. The term "sewage" and "sludge"</b></p> <p>5 <b>really can't be separated.</b></p> <p>6 The sludge is what the role of that</p> <p>7 office was. So it's the residual product of the</p> <p>8 treatment of either municipal sewage or of</p> <p>9 industrial wastewater.</p> <p>10 So the residuals could come from</p> <p>11 municipal plants -- which is the sewage sludge -- or</p> <p>12 from industrial plants, which would be industrial</p> <p>13 sludge.</p> <p>14 Q. Would the industrial sludge be a</p> <p>15 by-product of manufacturing operations?</p> <p>16 <b>A. The treatment of the wastewater from</b></p> <p>17 <b>manufacturing operations.</b></p> <p>18 Q. Got you. Okay. And the wastewater</p> <p>19 itself would be waste from a manufacturing</p> <p>20 operation?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. How long -- well, what were your</p> <p>23 duties in this job?</p> <p>24 <b>A. The office developed regulations for</b></p> <p>25 <b>how to properly manage the sludge from both the</b></p>	<p style="text-align: right;">53</p> <p>1 <b>conference calls and memos and letters back and</b></p> <p>2 <b>forth with the six ocean dumping sewage authorities</b></p> <p>3 <b>in terms of getting them through a process so that</b></p> <p>4 <b>they could find a disposal site for their product.</b></p> <p>5 We also -- I also worked with various</p> <p>6 industries that had wastewater sludges, to make sure</p> <p>7 that they complied with the sludge quality assurance</p> <p>8 regulations. Those were the sampling and testing</p> <p>9 rules.</p> <p>10 I remember attending some meetings</p> <p>11 with the waste management side of the department</p> <p>12 concerning the hauling of the sludge -- both the</p> <p>13 industrial and the municipal sludge -- in terms of</p> <p>14 what existing rules existed and what new rules</p> <p>15 needed to be put into place.</p> <p>16 I went to different seminars. I gave</p> <p>17 different seminars also regarding the technical</p> <p>18 aspects of sludge treatment and disposal.</p> <p>19 I'm sure there's more, but that's a</p> <p>20 pretty good recollection.</p> <p>21 Q. Was sludge, at this time -- the</p> <p>22 sludge that you were describing -- being dumped in</p> <p>23 landfills as well?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. Did you have any hand in that aspect</p>

ESQUIRE DEPOSITION SERVICES

K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">54</p> <p>1 of the regulatory requirements?</p> <p>2 <b>A. Yes. There were a couple of</b></p> <p>3 <b>different things. The first is that the landfills</b></p> <p>4 <b>were getting kind of overwhelmed with the amount of</b></p> <p>5 <b>sludge that was being disposed of. A lot of it had</b></p> <p>6 <b>to do with the fact that it was liquid -- primarily</b></p> <p>7 <b>liquid when it was being discharged.</b></p> <p>8 <b>So we were looking to ways to reduce</b></p> <p>9 <b>the volume of the sludge being disposed of in</b></p> <p>10 <b>landfills.</b></p> <p>11 <b>There was also an effort for septage,</b></p> <p>12 <b>which is septic tank clean out, to -- that was also</b></p> <p>13 <b>discharged into landfills, and that was getting to</b></p> <p>14 <b>be overwhelming as well.</b></p> <p>15 <b>So we looked for ways to set up</b></p> <p>16 <b>different sewage treatment plants around the state</b></p> <p>17 <b>to accept septage as part of their influent, so it</b></p> <p>18 <b>didn't have to be discharged into landfills.</b></p> <p>19 <b>Q. Do you recall any of the regulations</b></p> <p>20 <b>in particular that you helped prepare -- strike that</b></p> <p>21 <b>last question.</b></p> <p>22 <b>When you say prepare regulations,</b></p> <p>23 <b>what do you -- precisely, what do you mean?</b></p> <p>24 <b>A. At DEP, there would be a team of a</b></p> <p>25 <b>technical person and an attorney, a regulatory -- I</b></p>	<p style="text-align: right;">56</p> <p>1 <b>A. Those were rules that required</b></p> <p>2 <b>generators of sludge to test their residual material</b></p> <p>3 <b>to determine the contaminant level.</b></p> <p>4 <b>Q. Did you have an area of concentration</b></p> <p>5 <b>in the way of municipal versus industrial sludges in</b></p> <p>6 <b>your job at this time?</b></p> <p>7 <b>A. Well, I would think that the -- about</b></p> <p>8 <b>95 percent of our work dealt with municipal sludge</b></p> <p>9 <b>in the office. So I had a similar ratio.</b></p> <p>10 <b>Q. So about 95 percent of your work</b></p> <p>11 <b>dealt with municipal sludges?</b></p> <p>12 <b>A. Correct.</b></p> <p>13 <b>Q. Were the municipal sludges human</b></p> <p>14 <b>waste sludges primarily?</b></p> <p>15 <b>A. Well, municipal treatment plants in</b></p> <p>16 <b>New Jersey take a mixture of both domestic sewage --</b></p> <p>17 <b>which is the human waste -- restaurants, commercial,</b></p> <p>18 <b>and a lot of industrial waste goes into municipal</b></p> <p>19 <b>plants.</b></p> <p>20 <b>So it eventually evolved to my next</b></p> <p>21 <b>position, which, when we get to that, I'll explain</b></p> <p>22 <b>why -- how that evolved.</b></p> <p>23 <b>Q. Just quickly, how long were you in</b></p> <p>24 <b>this position at the office of sludge management?</b></p> <p>25 <b>A. About four years.</b></p>
<p style="text-align: right;">55</p> <p>1 <b>forgot their titles, but they were -- office of</b></p> <p>2 <b>regulatory services -- an attorney who worked with</b></p> <p>3 <b>the office of regulatory services and a technical</b></p> <p>4 <b>person would work together to prepare the set of</b></p> <p>5 <b>regulations.</b></p> <p>6 <b>Q. And what was your participation in</b></p> <p>7 <b>this regard?</b></p> <p>8 <b>A. Well, I worked on a lot of</b></p> <p>9 <b>regulations.</b></p> <p>10 <b>Q. No, I wasn't clear. Were you the</b></p> <p>11 <b>technical person or the attorney?</b></p> <p>12 <b>A. Hopefully I was the technical person.</b></p> <p>13 <b>Q. Okay. And the next question goes to</b></p> <p>14 <b>what you were just speaking of.</b></p> <p>15 <b>Do you recall any -- any regulations</b></p> <p>16 <b>particularly that you worked on during this time</b></p> <p>17 <b>period?</b></p> <p>18 <b>A. Sure. I worked on the sludge quality</b></p> <p>19 <b>assurance regulations. I worked on the industrial</b></p> <p>20 <b>pretreatment regulations. I worked on the New</b></p> <p>21 <b>Jersey pollutant discharge elimination system</b></p> <p>22 <b>regulations.</b></p> <p>23 <b>That's all I could recall.</b></p> <p>24 <b>Q. What were the sludge quality</b></p> <p>25 <b>assurance regulations?</b></p>	<p style="text-align: right;">57</p> <p>1 <b>Q. So to approximately 1981?</b></p> <p>2 <b>A. Correct.</b></p> <p>3 <b>MS. MOONEY: You want to stop there?</b></p> <p>4 <b>MR. BARNES: I think we've been about</b></p> <p>5 <b>an hour and a quarter, so it's a good time.</b></p> <p>6 <b>(Recess taken.)</b></p> <p>7 <b>Q. Just going back to the 1977 to 1981</b></p> <p>8 <b>time period, with your position in the office of</b></p> <p>9 <b>sludge management, during this time, did you have</b></p> <p>10 <b>any involvement in regulations dealing with</b></p> <p>11 <b>industrial hazardous waste, per se?</b></p> <p>12 <b>A. No.</b></p> <p>13 <b>Q. Okay. Was sludge considered</b></p> <p>14 <b>hazardous waste or non-hazardous waste?</b></p> <p>15 <b>A. Municipal sludge -- well, the</b></p> <p>16 <b>definitions at the time, the municipal sludge, at</b></p> <p>17 <b>the time, I believe, was exempt from being a</b></p> <p>18 <b>hazardous waste in New Jersey.</b></p> <p>19 <b>Industrial waste, depended on its</b></p> <p>20 <b>characteristics.</b></p> <p>21 <b>Q. When you say industrial waste, you</b></p> <p>22 <b>mean industrial sludge waste?</b></p> <p>23 <b>A. Correct.</b></p> <p>24 <b>Q. All right. In 1981, did you move</b></p> <p>25 <b>onto another position at New Jersey DEP?</b></p>

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K. GOLDSTEIN, P.E. - Direct

<p>58</p> <p>1 A. Yes. In the office, kind of 2 expanded, and it became the office of sludge 3 management and industrial pretreatment, and I was 4 promoted to become chief of the office of industrial 5 pretreatment, or the section -- industrial 6 pretreatment section, it was called. 7 Q. Can you say that again? 8 A. Industrial pretreatment section. 9 Q. Did you say that you became chief of 10 the industrial pretreatment section? 11 A. Yes. 12 Q. Okay. How long were you chief of the 13 industrial pretreatment section? 14 A. Approximately five years. 15 Q. And what were your duties as the 16 chief of the industrial pretreatment section of the 17 office of sludge management -- is that it? 18 A. Yes. 19 Q. Okay. 20 A. Well, I had general managerial duties 21 to direct staff, prepare monthly reports, and other 22 internal documents dealing with the activities of 23 the section. 24 Specific technical aspects of the 25 section, we went to the municipal sewage authorities</p>	<p>60</p> <p>1 waste that was not discharged to a body of water? 2 A. Well, I'm not sure if this is 3 responsive to your question, but the regulations 4 dealing with hazardous waste transportation and 5 discharge had certain provisions that involved the 6 discharge into sewage treatment plants. 7 There were certain exemptions, called 8 the domestic sewage exemption, for example, under 9 RCRA, that we got involved with. We also -- I still 10 dealt with the issue of the disposal of sewage 11 sludge. 12 It was still part of the overall 13 responsibility of the office to figure out how to 14 effectively dispose of the sludge, and the idea of 15 the industrial treatment program was to improve the 16 quality of the sludge so it could be disposed of in 17 different ways. So we did get involved with 18 landfills and which landfills could accept the 19 waste. 20 We got involved with incinerators and 21 which incinerators could accept the waste. So there 22 were some aspects of it, but it was -- it focused on 23 the -- on the discharge of industrial wastewater 24 into sewage treatment plants. 25 But those are some of the overlaps</p>
<p>59</p> <p>1 that had industrial wastewater discharges into them, 2 and created regulations that required the sewage 3 authority to develop industrial pretreatment 4 programs -- which, in simple terms, is just a way of 5 managing the industrial wastewater that was 6 discharged into the sewage treatment plant. 7 Q. Any other technical aspects of your 8 job? 9 A. Well, we looked into different types 10 of pretreatment, which is wastewater treatment of 11 industrial wastewater, before it is discharged into 12 the sewage plant. So we did that type of technical 13 education and review. 14 We had to more completely understand 15 the mechanisms of a municipal sewage treatment plant 16 because -- to see what the impacts of the industrial 17 waste was on the plant, and if it was impacting the 18 plant's operations, its discharge or its generation 19 of sludge. 20 Q. Were the issues that you worked on, 21 as the chief of the industrial pretreatment section 22 of the office of sludge management -- let me 23 rephrase that. 24 To what extent did the issues that 25 you handled in this position as chief pertain to</p>	<p>61</p> <p>1 with the hazardous waste program. 2 Q. And to what extent were you 3 personally involved in the overlaps with the 4 hazardous waste program? 5 A. Well, I did a lot of communication 6 with the hazardous waste program to treat -- to sort 7 out the rules that were -- in fact, a set of rules 8 that the EPA put out, called the consolidated permit 9 rules, I believe in 1980, '81, that try to integrate 10 the water program with the waste program. And it 11 took months and months and months to try to figure 12 out these rules. And eventually they got recanted 13 by the EPA because they were just so difficult to 14 deal with. 15 But I attended a lot of meetings with 16 the hazardous waste people to try to sort out the 17 differences between the two sets of regulations, and 18 the overlap between the two sets of regulations. 19 Q. Was the office of sludge management 20 and industrial pretreatment a subset of any other 21 larger office? 22 A. It's part of the division of water 23 resources. 24 Q. Is the -- was, during this time 25 period, the management of industrial hazardous waste</p>

ESQUIRE DEPOSITION SERVICES

K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">62</p> <p>1 in a different division of the New Jersey DEP?</p> <p>2 A. Yes.</p> <p>3 Q. And what division was that?</p> <p>4 A. That name changed over time, but it</p> <p>5 started out as the solid waste administration in the</p> <p>6 mid-seventies, and it evolved to the division of</p> <p>7 solid waste management in the late seventies, and</p> <p>8 eventually to the division of solid and hazardous</p> <p>9 waste management by the mid-eighties.</p> <p>10 Q. Any other duties that you recall as</p> <p>11 the chief of the industrial treatment section of the</p> <p>12 office of sludge management and industrial</p> <p>13 pretreatment between 1981 and 1986?</p> <p>14 A. Well, we developed a set of</p> <p>15 regulations for industrial pretreatment -- I'm not</p> <p>16 quite sure if I mentioned that -- that mirrored the</p> <p>17 EPA program -- I should say that EPA had a set of</p> <p>18 regulations out at that time, and also similar to</p> <p>19 the NJPDES program, that they had the effort to</p> <p>20 delegate the regulatory program to each state.</p> <p>21 So the industrial pretreatment</p> <p>22 program, we had a set -- promulgate a matching set</p> <p>23 of the regulations to the EPA regulations, and then</p> <p>24 show the EPA that we could run our own program at</p> <p>25 the state level.</p>	<p style="text-align: right;">64</p> <p>1 A. Approximately six years.</p> <p>2 Q. So approximately till 1992, is that</p> <p>3 right?</p> <p>4 A. Yes, till early '92.</p> <p>5 Q. And was the bureau of underground</p> <p>6 storage tanks a subdivision of another broader</p> <p>7 program at New Jersey DEP?</p> <p>8 A. It was also part of the division of</p> <p>9 water resources for -- from '86 until '91. And then</p> <p>10 from '91 and '92, it was within the division of --</p> <p>11 division of responsible party site remediation.</p> <p>12 Q. Okay. And can you describe what your</p> <p>13 duties entailed, in the 1986 to early 1992 period,</p> <p>14 as the chief of the bureau of underground storage</p> <p>15 tanks?</p> <p>16 A. Well, I was the manager in charge of</p> <p>17 a staff of 30 some odd individuals. I did typical</p> <p>18 managerial stuff of supervising them, preparing</p> <p>19 reports -- internal reports.</p> <p>20 The overall purpose of the bureau was</p> <p>21 to develop regulations for the management of</p> <p>22 underground storage tanks in New Jersey. Again,</p> <p>23 this was a federal program that EPA wanted to shift</p> <p>24 down to the state level. So we needed to develop a</p> <p>25 set of regulations and a delegation document to be</p>
<p style="text-align: right;">63</p> <p>1 So we developed a whole massive</p> <p>2 application to DEP for the delegation of the</p> <p>3 program.</p> <p>4 Q. Does NJPDES stand for the New Jersey</p> <p>5 Pollutant Discharge Elimination System?</p> <p>6 A. Elimination system.</p> <p>7 Q. Anything else you can recall -- well,</p> <p>8 strike that.</p> <p>9 Any other involvement with the</p> <p>10 hazardous waste side of DEP during this time period</p> <p>11 that you recall when you were the chief?</p> <p>12 A. Not that I recall.</p> <p>13 Q. Okay. In 1986, did you move onto</p> <p>14 another position at New Jersey DEP?</p> <p>15 A. Yes.</p> <p>16 Q. What was that position?</p> <p>17 A. Chief of the bureau of underground</p> <p>18 storage tanks.</p> <p>19 Q. And why did you move to that</p> <p>20 position?</p> <p>21 A. Promotion.</p> <p>22 Q. And how did you get that promotion?</p> <p>23 A. I applied. It was a --.</p> <p>24 Q. And how long were you the chief of</p> <p>25 the bureau of underground storage tanks?</p>	<p style="text-align: right;">65</p> <p>1 submitted to the DEP.</p> <p>2 The regulations that we developed</p> <p>3 entailed the management of the upgrade and closure</p> <p>4 of tanks, as well as the remediation of leaks on</p> <p>5 those tanks.</p> <p>6 Q. Did you have a personal hand in the</p> <p>7 development of the regulations, managing upgrade and</p> <p>8 closure of the tanks?</p> <p>9 A. Yes.</p> <p>10 Q. And what was your personal</p> <p>11 involvement?</p> <p>12 A. Well, I coordinated the effort of the</p> <p>13 technical staff and the regulatory services staff to</p> <p>14 produce the regulations. I was involved with every</p> <p>15 aspect of it from the writing -- almost every</p> <p>16 meeting -- there was a loan program involved with</p> <p>17 it. There was a financial responsibility aspect.</p> <p>18 So I had different people working on</p> <p>19 each aspect, and I would be involved with every --</p> <p>20 seems like every meeting that took place.</p> <p>21 Q. You were the chief. How about the</p> <p>22 remediation of the leaks of tanks, those</p> <p>23 regulations, were you involved personally in the</p> <p>24 development of those regulations?</p> <p>25 A. Yes.</p>

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K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">66</p> <p>1 Q. And in what capacity?</p> <p>2 A. In a similar manner. The department</p> <p>3 had already had a set of regulations -- or at least</p> <p>4 a regulatory program that addressed how to clean up</p> <p>5 contaminated sites. The underground storage tank</p> <p>6 program developed its own set of regulations for the</p> <p>7 clean up of these sites.</p> <p>8 And, eventually, by the late</p> <p>9 eighties, the department realized that there were</p> <p>10 multiple sets of regulations dealing with cleanup of</p> <p>11 various sites that sometimes were consistent and</p> <p>12 sometimes were not consistent.</p> <p>13 So there was a large effort to</p> <p>14 consolidate all the cleanup regulations, which</p> <p>15 culminated in a proposal in '92 called, technical</p> <p>16 requirements for site remediation. And I</p> <p>17 participated in all aspects of that, from the</p> <p>18 generation of the underground storage tank</p> <p>19 regulations to the working on the -- on these</p> <p>20 technical requirements in '92.</p> <p>21 Q. Did you have any involvement with the</p> <p>22 hazardous waste program at DEP during this time</p> <p>23 period?</p> <p>24 MR. BARNES: Can you establish the</p> <p>25 time period you are talking about?</p>	<p style="text-align: right;">68</p> <p>1 bureau of underground storage tanks, other than what</p> <p>2 you've already described?</p> <p>3 A. No, that's to the best of my</p> <p>4 recollection right now.</p> <p>5 Q. Did you -- what job did you go on to</p> <p>6 hold after early 1992 when you were no longer the</p> <p>7 chief of the bureau of USTs?</p> <p>8 A. My last job at DEP was with -- was</p> <p>9 chief of the bureau of applicability and compliance.</p> <p>10 It was a -- it -- the bureau's responsibilities were</p> <p>11 to address the -- address the registration and</p> <p>12 billing aspects of the underground storage tank</p> <p>13 program, the enforcement program under the ECRA</p> <p>14 program -- E-C-R-A -- which stands for Environmental</p> <p>15 Cleanup and Responsibility Act.</p> <p>16 The enforcement, the funding of the</p> <p>17 other administrative aspects of the ECRA program</p> <p>18 were part of that bureau's responsibilities.</p> <p>19 Q. And was the bureau of applicability</p> <p>20 and compliance a subset of a larger bureau or</p> <p>21 program --</p> <p>22 A. Yes.</p> <p>23 Q. -- at New Jersey DEP?</p> <p>24 What was that?</p> <p>25 A. That's the same division of</p>
<p style="text-align: right;">67</p> <p>1 MS. MOONEY: 1986 through early 1992.</p> <p>2 A. There were some involvement. The</p> <p>3 cleaning out of tanks, for example, had -- there was</p> <p>4 a residual waste that -- that, at the time, was</p> <p>5 considered a hazardous waste.</p> <p>6 So we worked with that program to</p> <p>7 develop specific requirements for this residual</p> <p>8 material that was inside of tanks. It was called an</p> <p>9 X waste at the time.</p> <p>10 We also worked with that program</p> <p>11 concerning the cleanup of the contaminated sites</p> <p>12 because certain of the material that was cleaned up</p> <p>13 at the sites was considered a hazardous waste. So</p> <p>14 we worked on the requirements for that distribution</p> <p>15 of -- or transportation and disposal of that</p> <p>16 material.</p> <p>17 And, finally, hazardous waste were</p> <p>18 stored in tanks at a lot of facilities. So we went</p> <p>19 over requirements of the hazardous waste program and</p> <p>20 the underground storage tank program, because they</p> <p>21 had an overlap in terms of how hazardous waste was</p> <p>22 stored in underground tanks.</p> <p>23 Q. Any other hazardous waste</p> <p>24 experience -- did you have any other hazardous waste</p> <p>25 experience during this tenure as the chief of the</p>	<p style="text-align: right;">69</p> <p>1 responsible party site remediation.</p> <p>2 Q. Okay. Did you first become the chief</p> <p>3 of the bureau of applicability in early 1992?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And how long were you the</p> <p>6 chief?</p> <p>7 A. Approximately nine months.</p> <p>8 Q. Would that take us into 1993?</p> <p>9 A. No, it's the end of '92. It's</p> <p>10 December of '92.</p> <p>11 Q. And what were your -- you,</p> <p>12 personally -- what were your duties as the chief of</p> <p>13 the bureau of applicability?</p> <p>14 A. Similar type of managerial functions</p> <p>15 as we've discussed with the other bureaus.</p> <p>16 Q. Anything from a technical standpoint</p> <p>17 that you did?</p> <p>18 A. Not that I could recall.</p> <p>19 Q. Did you develop any regulations</p> <p>20 during this time?</p> <p>21 A. No.</p> <p>22 Q. Did you administer any of the</p> <p>23 regulations at New Jersey DEP during this time?</p> <p>24 A. Yes.</p> <p>25 Q. And what were they?</p>

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K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">70</p> <p>1 A. Well, the underground storage tank 2 regulations, and the ECRA regulations. 3 Q. Other than administering these 4 regulations and the various managerial functions, 5 any other duties that you had as chief during this 6 time period? 7 A. No. I think that, again, to the best 8 of my recollection, that covers it. 9 Q. Did you go on to hold another 10 position at the end of 1992? 11 A. No. 12 Q. What did you do at that point? 13 A. I left the DEP and joined Sadat 14 Associates, S-a-d-a-t. 15 Q. Why did you leave New Jersey DEP? 16 A. Just a different job opportunity. 17 Q. And what was Sadat Associates? 18 A. Sadat Associates is an environmental 19 consulting firm, an environmental engineering firm. 20 Q. And where is it located? 21 A. Trenton, New Jersey. 22 Q. Okay. And what was your title when 23 you went to Sadat Associates in '92? 24 A. I believe it was senior project 25 manager.</p>	<p style="text-align: right;">72</p> <p>1 A. I probably was involved with projects 2 in all media during that time frame. 3 Q. What was your involvement, if any, 4 with hazardous waste? 5 A. I had a client who was a hazardous 6 waste TSD facility -- treatment storage disposal 7 facility -- and I assisted that client in obtaining 8 different permits, helping them with a site 9 remediation issue at their property, preparing spill 10 prevention plans for the property -- there was 11 probably a dozen different things that we did for 12 that facility. 13 I'm sure I was involved with projects 14 where clients needed to dispose of hazardous waste 15 because -- as part of either a cleanup or a disposal 16 issue of a tank residue or of a manufacturing 17 residue, but I don't recall any off the top of my 18 head. 19 Q. Was the client that you described 20 here who had the TSD facility located in New Jersey? 21 A. Yes. 22 Q. Did you hold another position at 23 Sadat after senior project manager? 24 A. Yes. 25 Q. And what was that?</p>
<p style="text-align: right;">71</p> <p>1 Q. How long were you a senior project 2 manager at Sadat? 3 A. Approximately six, seven years. 4 Q. '98 -- 1998 or 1999? 5 A. I really don't recall when the next 6 position title came in. I don't have a recollection 7 of exactly when that is. 8 Q. And what types of work did you do as 9 a senior project manager in Sadat? 10 A. I managed environmental projects for 11 clients. We had municipal, industrial, governmental 12 clients who needed assistance in getting through the 13 regulatory process, whether it be permitting for a 14 new facility or an operating facility, or cleanup of 15 discharge of contaminants onto their soil, or in the 16 groundwater underneath their property. 17 Q. Did you work in a particular division 18 or practice area of Sadat? 19 A. It was called the science group. 20 Q. And what did the science group do? 21 A. Pretty much what I described. 22 Q. Did they work in all media? 23 A. Yes. 24 Q. What media did you, yourself, work on 25 as part of the science group?</p>	<p style="text-align: right;">73</p> <p>1 A. Vice-president. 2 Q. Was that in the 1998/'99 time period? 3 A. Yes. 4 Q. Okay. And how long were you V-P of 5 Sadat? 6 A. I left Sadat in 2005. 7 Q. And from 1998/'99 to 2005, were you 8 vice-president of Sadat? 9 A. Correct. 10 Q. And what kind of work did you do as 11 V-P of Sadat? 12 A. Similar work in relation to client 13 relations and project management; a little bit more 14 managerial responsibilities in terms of supervision 15 of staff and assisting in running of the company. 16 Q. Were you a principal of Sadat? 17 A. No -- oh, excuse me -- yes, I was a 18 shareholder, if that's what you meant by principal. 19 Q. Yes. Yes, it was. 20 A. A very minority shareholder. 21 Q. Between 1998/'99 and 2005, did you 22 have any firsthand experience dealing with hazardous 23 waste regulations or management? 24 A. Well, I had the same client that we 25 talked about earlier that was the hazardous waste</p>

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K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">74</p> <p>1 TSD facility. Again, I don't recall any other  2 specific projects. If I do, I'll try to get them on  3 the record before we depart.  4 Q. Okay. In 2005, did you go on to have  5 another position somewhere?  6 A. Yes. I moved to Ransom  7 Environmental.  8 Q. Okay. And is Ransom Environmental an  9 environmental consulting company?  10 A. Yes.  11 Q. Is that where you are today?  12 A. Correct.  13 Q. And you've been there since you left  14 Sadat in 2005?  15 A. Correct.  16 Q. What's your title at Ransom?  17 A. Director of technical services.  18 Q. I should ask, why did you leave  19 Sadat?  20 A. Different job opportunity.  21 Q. Okay. What are your -- what are your  22 duties as director of technical services at Ransom?  23 A. Again, I have a cadre of clients that  24 I manage for environmental -- get them through the  25 environmental regulatory process, permitting, site</p>	<p style="text-align: right;">76</p> <p>1 involving hazardous waste?  2 A. I -- as I mentioned earlier, I did  3 take a training course in Act II requirements. I --  4 I'm sure I had a client or two from Pennsylvania.  5 Q. In hazardous waste -- well, I should  6 say dealing with hazardous waste issues?  7 A. I don't believe so.  8 Q. Have you had any experience, that you  9 can recall, in any capacity dealing with the  10 Pennsylvania requirements pertaining to hazardous  11 waste?  12 A. Not that I can recall.  13 Q. From the time that you graduated from  14 Rensselaer to the present, what percentage of --  15 what percentage of your work-related duties pertain  16 to management of hazardous waste in New Jersey?  17 A. One percent.  18 Q. What's that?  19 A. One percent.  20 Q. What would you say is -- strike that.  21 From the time that you graduated from  22 Rensselaer to the present, what would you say is --  23 was your primary area of focus -- in terms of work  24 duties -- from New Jersey DEP through consulting?  25 What -- I'm not stating this very</p>
<p style="text-align: right;">75</p> <p>1 remediation -- again, similar types of activities.  2 Q. And have you had any involvement at  3 Ransom in dealing with hazardous waste issues of  4 your clients?  5 A. Again, I have some recollections of  6 certain clients needing hazardous waste transported,  7 disposal services, but I don't -- no names are  8 jumping up at me.  9 Q. Going back to when you were at  10 Rensselaer --  11 A. Rensselaer.  12 Q. -- Rensselaer, did you have a job  13 while you were taking courses at Rensselaer?  14 A. I was a teaching assistant for a  15 year.  16 Q. What were you doing as a teaching  17 assistant?  18 A. Grading papers.  19 Q. In what course?  20 A. Oh. I did -- it was a course on  21 wastewater management, and there was a course on air  22 pollution that I helped out at the lab.  23 Q. In the time that you graduated from  24 Rensselaer to the present, have you had occasion to  25 be involved with Pennsylvania regulations or rules</p>	<p style="text-align: right;">77</p> <p>1 well, but what was the lion's share of your  2 experience in the environmental realm in your work  3 history, would you say?  4 MR. BARNES: Objection as to form.  5 You can answer if you think you can.  6 A. Well, while I was at the DEP, I think  7 the most time was spent in hazardous waste  8 management when I was in the industrial pretreatment  9 section.  10 Q. Actually, my question is totally  11 convoluted.  12 What would you consider to be your  13 main area of experience in the environmental realm,  14 let's say, during your tenure at New Jersey DEP?  15 A. There were several. I went through  16 the history. I have expertise in wastewater  17 engineering, in underground storage tank management,  18 in sludge management regulations, industrial  19 pretreatment, all types of discharges.  20 Could you be more specific?  21 Q. I guess what I'm trying to get at is,  22 you know, what area -- whether water or waste or air  23 or something else -- what was the primary area of  24 experience that you've had working in the  25 environmental realm?</p>

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K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">78</p> <p>1 A. It's in water and in site 2 remediation. 3 Q. Was that just in the New Jersey DEP 4 or subsequent to that as well? 5 A. Subsequent. 6 Q. Just subsequent? 7 A. No, both. 8 Q. All right. Other than New Jersey 9 DEP, did you have any experience working for any 10 other governmental entity? 11 A. I had a summer job at the City of New 12 Rochelle on a surveying team. 13 Q. When was that? 14 A. Oh, '72. 15 MR. BARNES: Just to clarify, you're 16 also not talking about engagements that he had where 17 the client was a government agency? 18 MS. MOONEY: No. No. I was talking 19 about work experience. 20 Q. Summer job at the City of New 21 Rochelle, in the summer of 1972, what was that? 22 A. On a surveying crew. 23 Q. I should probably ask -- that reminds 24 me. 25 Did you have any summer jobs while</p>	<p style="text-align: right;">80</p> <p>1 A. I probably was asked to review draft 2 copies of regulations. 3 Q. Of hazardous -- 4 A. Yeah, in hazardous waste 5 management -- certainly not in the development. I 6 would contribute to the peer review. 7 Q. Was peer review cross-office -- 8 something that was done on a normal basis at New 9 Jersey DEP? 10 A. If there was a reason for that office 11 to review it, yes. 12 Q. So there had to be some kind of nexus 13 subject-wise -- 14 A. Yes. 15 Q. -- for cross-review? 16 Do you recall specific instances of 17 reviewing hazardous waste regs in New Jersey DEP? 18 A. Well, I mentioned earlier the 19 consolidated permit regs that EPA developed. 20 New Jersey was working on developing 21 a similar set of consolidated regs with the NJPDES 22 program and the hazardous waste program when EPA 23 decided to pull the plug on that effort. 24 So I was involved with that for some 25 period of time in the early eighties. But once the</p>
<p style="text-align: right;">79</p> <p>1 you were at Rensselaer? 2 A. Yes. 3 Q. What were they? 4 A. Well, we just talked about the 5 surveying crew. I worked in an assembly shop for 6 one summer. I stayed in the college for a summer 7 and did lab work. It's part of my master's. 8 Q. What did that consist of? 9 A. I had -- my master's project 10 consisted of a treatment process called ultra 11 filtration, and I had a lab set up where the 12 contaminated waste stream would circulate and go 13 through a filter, and I would measure the 14 effectiveness of the filter. 15 Q. Any other summer jobs during your 16 time at Rensselaer? 17 A. Not that I can recall. 18 Q. During the time that you were at New 19 Jersey DEP, did you have any involvement in the 20 development or promulgation of any statutes or 21 regulations -- or I should say regulations, not 22 statutes -- pertaining to hazardous waste, other 23 than what you talked about in the sludge division 24 and the bureau of applicability, anything having to 25 do with hazardous waste regs, per se?</p>	<p style="text-align: right;">81</p> <p>1 plug got pulled, I concentrated on the water 2 aspects, and some other group concentrated on the 3 hazardous waste aspects. 4 Q. Were you involved in the development 5 or promulgation of any hazardous waste regs in the 6 '74 -- 1974 through 1977 time period? 7 A. No. 8 Q. Other than the sludge regs, and the 9 other regs that you testified that you were involved 10 in at New Jersey DEP, did you ever have any 11 experience administering any of the hazardous waste 12 regulations while you were at New Jersey DEP? 13 A. I mentioned, when we were talking 14 about industrial pretreatment, that there was one 15 aspect of the hazardous waste regs that dealt with 16 the discharge of wastewater -- industrial wastewater 17 at the sewage treatment plants. 18 So that particular aspect was called 19 industrial waste management facilities. I did have 20 a hand in administering, but it's admittedly a 21 narrow hand. 22 Q. Anything else that you recall? 23 A. No. 24 Q. Okay. And when you say 25 administering, do you include enforcement in that as</p>

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K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">82</p> <p>1 well?</p> <p>2 A. I don't recall offhand if we did any</p> <p>3 enforcement.</p> <p>4 Q. What do you mean?</p> <p>5 A. I don't recall.</p> <p>6 Q. When you say, we did any enforcement,</p> <p>7 what do you mean?</p> <p>8 A. "We" being the industrial</p> <p>9 pretreatment section.</p> <p>10 Q. I see. What you were just talking</p> <p>11 about?</p> <p>12 A. Correct.</p> <p>13 Q. What about the time that you were at</p> <p>14 New Jersey DEP, did you have any hand in enforcing</p> <p>15 any statutes or regulations dealing with hazardous</p> <p>16 waste, per se, other than the sludge and the</p> <p>17 industrial pretreatment standards, anything else</p> <p>18 that you can recall?</p> <p>19 A. No.</p> <p>20 Q. Okay. What expertise -- and by</p> <p>21 expertise, I mean specialized knowledge or</p> <p>22 experience -- do you consider yourself to have with</p> <p>23 regard to New Jersey hazardous waste statutes?</p> <p>24 A. Well, I had the opportunity to read</p> <p>25 RCRA -- the Resource Conservation and Recovery</p>	<p style="text-align: right;">84</p> <p>1 other reason?</p> <p>2 A. The peer review we talked earlier</p> <p>3 about, yeah.</p> <p>4 Q. Do you recall if you had any comments</p> <p>5 or suggestions or changes?</p> <p>6 A. No, that's too long ago.</p> <p>7 Q. Okay. Other than the peer review</p> <p>8 that you're talking about, do you consider that you</p> <p>9 have any specialized knowledge or experience with</p> <p>10 regard to the handling of hazardous waste in New</p> <p>11 Jersey?</p> <p>12 A. Well, I think, as a person who's been</p> <p>13 in the environmental business in New Jersey for 30</p> <p>14 years, I have a reasonable working knowledge of the</p> <p>15 hazardous waste program.</p> <p>16 Q. Any particularized knowledge that you</p> <p>17 would consider yourself to have?</p> <p>18 A. Well, I need to make sure my clients</p> <p>19 stay in compliance with the rules. So I have a --</p> <p>20 I'd say a working knowledge of everything from</p> <p>21 generation to transport to storage to disposal.</p> <p>22 Q. Would you consider yourself an expert</p> <p>23 in the handling of hazardous waste in New Jersey?</p> <p>24 A. Define expert.</p> <p>25 Q. Well, we were just talking about some</p>
<p style="text-align: right;">83</p> <p>1 Act -- R-C-R-A. I've read the New Jersey solid</p> <p>2 waste management act -- this is while I was at DEP,</p> <p>3 when these different acts got adopted or -- and the</p> <p>4 regulations got promulgated, I read them as part of</p> <p>5 my job responsibilities.</p> <p>6 Q. Do you mean read them</p> <p>7 pre-promulgation or something else?</p> <p>8 A. Well, certainly, RCRA, I read after</p> <p>9 it was adopted. The solid waste management act of</p> <p>10 New Jersey after it was adopted. The -- I believe I</p> <p>11 read, prior to its proposal, the regulations dealing</p> <p>12 with the hazardous waste management program. I'm</p> <p>13 trying to put a year on that, but --</p> <p>14 Q. Was it before 1977?</p> <p>15 A. No.</p> <p>16 Q. Anything else that you can recall?</p> <p>17 A. Well, the hazardous waste regs got</p> <p>18 modified and amended from the early eighties onward,</p> <p>19 and I'm sure I read either drafts or the final</p> <p>20 product after it was -- after it was promulgated.</p> <p>21 Q. In the eighties?</p> <p>22 A. Yes.</p> <p>23 Q. And when you say you read drafts of</p> <p>24 the hazardous waste regs in the 1980's, do you mean</p> <p>25 read them for input into the final form, or for some</p>	<p style="text-align: right;">85</p> <p>1 of the areas that you have specialized knowledge or</p> <p>2 expertise in, and you discussed peer review, you</p> <p>3 discussed having a 30-year experience in the</p> <p>4 environmental field, and helping clients comply with</p> <p>5 various regulations.</p> <p>6 Anything more narrow or specific than</p> <p>7 that?</p> <p>8 A. Well, expert's a subjective term.</p> <p>9 Obviously, I'm more expert than 99.999 percent of</p> <p>10 the population, but there's people who probably know</p> <p>11 more than I do in the field. But I think I have a</p> <p>12 pretty good understanding of what the rules are.</p> <p>13 Q. Okay. Have you published any books?</p> <p>14 A. No.</p> <p>15 Q. Have you published any articles?</p> <p>16 A. I've had articles published based</p> <p>17 upon seminar proceedings.</p> <p>18 Q. By that, do you mean materials that</p> <p>19 would be disseminated during a seminar or something</p> <p>20 else?</p> <p>21 A. Or afterwards, that somebody would</p> <p>22 compile all the different papers that are presented</p> <p>23 at a particular seminar and issue a proceedings</p> <p>24 book.</p> <p>25 Q. How many of your papers were</p>

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K. GOLDSTEIN, P.E. - Direct

<p>86</p> <p>1 presented in that way?</p> <p>2 A. Two or three.</p> <p>3 Q. Any other articles in publications,</p> <p>4 for instance, you know, technical journals or</p> <p>5 anything like that?</p> <p>6 A. No.</p> <p>7 Q. And the subject matter of the papers</p> <p>8 that were compiled and published in that form, do</p> <p>9 you recall what those were?</p> <p>10 A. Well, most of them dealt with</p> <p>11 regulatory issues in terms of how to -- how the --</p> <p>12 how responsible parties would comply with</p> <p>13 regulations that I was familiar with.</p> <p>14 I do recall one that had to deal with</p> <p>15 the discharge of superfund cleanup wastewater into</p> <p>16 municipal treatment plants. That was a pretty</p> <p>17 interesting one. But there was only a couple. So</p> <p>18 mostly dealt with regulatory issues.</p> <p>19 Q. Did they mostly deal with -- or</p> <p>20 exclusively deal with discharge to bodies of water</p> <p>21 of different types of waste?</p> <p>22 A. It was either, again, the industrial</p> <p>23 treatment program that we discussed earlier, or the</p> <p>24 sludge management, or the underground storage tank</p> <p>25 program and all the boundaries we talked about</p>	<p>88</p> <p>1 A. No.</p> <p>2 Q. Do you subscribe to any professional</p> <p>3 journals?</p> <p>4 A. Not at this time, no.</p> <p>5 Q. Are there any particular books or</p> <p>6 treatises in your personal or professional library</p> <p>7 on which you rely on a regular basis?</p> <p>8 A. I've got a large collection. That's</p> <p>9 a big question. I have different regulations on all</p> <p>10 different aspects of environmental protection.</p> <p>11 I've had technical textbooks from</p> <p>12 anything from hydrogeology to physics. I have</p> <p>13 guidance documents in the dozens -- maybe</p> <p>14 hundreds -- from DEP and from other agencies in</p> <p>15 terms of how to get things done.</p> <p>16 Q. Okay. I asked you before what</p> <p>17 expertise you consider yourself to have in the field</p> <p>18 of hazardous waste management. I'm going to ask you</p> <p>19 a slightly different question now.</p> <p>20 What are the fields or specialties in</p> <p>21 which you, yourself, consider yourself to be an</p> <p>22 expert?</p> <p>23 MR. BARNES: I am going to object as</p> <p>24 to form. I think he already testified that he was</p> <p>25 uncomfortable with the term "expert". So perhaps</p>
<p>87</p> <p>1 earlier.</p> <p>2 Q. Do you have any membership in any</p> <p>3 kind of professional society?</p> <p>4 A. Yes.</p> <p>5 Q. What is that?</p> <p>6 A. I'm currently a member of the New</p> <p>7 Jersey Board of Environment Association.</p> <p>8 Q. And what is that organization?</p> <p>9 A. It's a group of professionals that</p> <p>10 get together to share information on the current</p> <p>11 state of environmental regulation technology,</p> <p>12 professional development in the state.</p> <p>13 Q. When you say professionals, who do</p> <p>14 you mean?</p> <p>15 A. Professionals is the engineers,</p> <p>16 geologists, sewer treatment plant operators -- a</p> <p>17 wide spectrum of folks involved with the</p> <p>18 environmental protection of water in the state.</p> <p>19 Q. And how long have you been a member</p> <p>20 of this society?</p> <p>21 A. Off and on for 20-plus years. My</p> <p>22 membership lapses once in a while, but I renew it --</p> <p>23 it's over 20 years.</p> <p>24 Q. Did you ever hold any positions of</p> <p>25 authority in the organization?</p>	<p>89</p> <p>1 you can find some clarification.</p> <p>2 Q. What do you consider yourself to have</p> <p>3 specialized knowledge or experience in, in the</p> <p>4 environmental realm?</p> <p>5 MR. BARNES: Objection as to form.</p> <p>6 You can answer to the extent of your ability.</p> <p>7 A. Sure. The underground storage tank</p> <p>8 management, wastewater discharge regulations,</p> <p>9 wastewater treatment, sewage -- publicly owned</p> <p>10 treatment works -- management and regulation -- site</p> <p>11 remediation -- which involves soil and groundwater</p> <p>12 and vapor issues and cleanup and technology and</p> <p>13 regulation.</p> <p>14 I feel like I'm leaving things out</p> <p>15 because it's a very broad question, but we'll take</p> <p>16 that as the answer.</p> <p>17 Q. Okay. Anything else?</p> <p>18 A. That's fine.</p> <p>19 Q. Okay. We talked about prior</p> <p>20 retention of you as an expert witness. We talked</p> <p>21 about prior testimony.</p> <p>22 Have you ever given expert advice --</p> <p>23 let me rephrase that.</p> <p>24 Have you ever given an expert opinion</p> <p>25 on behalf of a government entity?</p>

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K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">90</p> <p>1 A. Yes.</p> <p>2 Q. What was that?</p> <p>3 A. (No response.)</p> <p>4 Q. Is it in the chart?</p> <p>5 A. The one I can remember is</p> <p>6 Pepack-Gladstone Borough, second from the bottom on</p> <p>7 the first page.</p> <p>8 Q. I see. Yes.</p> <p>9 A. I don't recall any others, but I have</p> <p>10 a sense that there might be.</p> <p>11 Q. Okay. If you think of any,</p> <p>12 throughout, just let me know.</p> <p>13 A. Sure.</p> <p>14 Q. What percentage of the work that you</p> <p>15 do right now entails working as an expert?</p> <p>16 A. Five to ten percent.</p> <p>17 Q. What percentage of your income</p> <p>18 derives from serving as an expert witness?</p> <p>19 A. I don't receive anything. The</p> <p>20 company, though, I would say five to ten percent is</p> <p>21 fair, that I get paid the same.</p> <p>22 Q. I see. So Ransom, you mean?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. All right. Do you know what</p> <p>25 the financial arrangement is that Ransom has with</p>	<p style="text-align: right;">92</p> <p>1 Q. Do you have any idea how much?</p> <p>2 A. I think we're caught up. I think</p> <p>3 we've gotten somewhere around \$15,000.</p> <p>4 MS. MOONEY: All right. It's a</p> <p>5 natural breaking point. Do you want to stop now for</p> <p>6 lunch?</p> <p>7 THE WITNESS: Sure.</p> <p>8 (Luncheon recess taken.)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">91</p> <p>1 AETC in this case, or I guess counsel for AETC in</p> <p>2 this case?</p> <p>3 A. Yes.</p> <p>4 Q. Can you explain what that is?</p> <p>5 A. I believe we had a time and materials</p> <p>6 contract with -- I think it was a "not to exceed</p> <p>7 understanding" for the preparation of the expert</p> <p>8 report of \$15,000, and with the additional</p> <p>9 understanding that deposition preparation and today,</p> <p>10 and if it goes to trial would be additional costs.</p> <p>11 Q. Is there an hourly rate that you</p> <p>12 have?</p> <p>13 A. Yes.</p> <p>14 Q. What is that?</p> <p>15 A. \$190 an hour.</p> <p>16 Q. Is this the normal rate -- your</p> <p>17 normal rate as an expert?</p> <p>18 A. Yes.</p> <p>19 Q. Does Ransom, or you, yourself, have</p> <p>20 an expectation in terms of the total amount of fees</p> <p>21 that you expect to get from this case?</p> <p>22 A. No.</p> <p>23 Q. Okay. Do you know if Ransom has been</p> <p>24 paid already by AETC?</p> <p>25 A. There have been payments made.</p>	<p style="text-align: right;">93</p> <p>1 AFTERNOON SESSION</p> <p>2 MR. BARNES: I just want to note, for</p> <p>3 the record, that in accordance with the request made</p> <p>4 by plaintiff's counsel during the deposition, we</p> <p>5 made available, during the lunch break, certain</p> <p>6 discovery materials -- documents produced in the</p> <p>7 case that the witness had previously identified for</p> <p>8 photocopying for his own files when he reviewed</p> <p>9 them -- reviewed the discovery materials in the case</p> <p>10 previously.</p> <p>11 I think that's a fair description of</p> <p>12 what we did.</p> <p>13 MS. MOONEY: Yes.</p> <p>14 BY MS. MOONEY:</p> <p>15 Q. I just want to go back and ask you a</p> <p>16 question about the -- going back to the office of</p> <p>17 sludge management, your position there from 1977</p> <p>18 through 1981, if you cast your mind back to that.</p> <p>19 Was the office of sludge management</p> <p>20 an office within a broader program or office of New</p> <p>21 Jersey DEP?</p> <p>22 A. It's within the division of water</p> <p>23 resources.</p> <p>24 Q. And then what about the office of</p> <p>25 program development, the position that you had, in</p>

ESQUIRE DEPOSITION SERVICES

K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">94</p> <p>1 which you held a position from 1976 to 1977, was</p> <p>2 that a, you know, smaller division of a broader DEP</p> <p>3 office or program?</p> <p>4 <b>A. Also the division of water resources.</b></p> <p>5 <b>Q.</b> Okay. Turning now to the work that</p> <p>6 you've done on this case, can you describe the</p> <p>7 different tasks that you performed in generating</p> <p>8 your expert report?</p> <p>9 <b>A. I reviewed files at Wolff and Samson</b></p> <p>10 <b>that seemed like they would be of interest to my</b></p> <p>11 <b>objective. I reviewed the documents. I --</b></p> <p>12 <b>Q.</b> When you say reviewed the documents,</p> <p>13 do you mean the documents in Appendix B?</p> <p>14 <b>A. Yes. I also tried to do a couple of</b></p> <p>15 <b>library searches through the Internet for relevant</b></p> <p>16 <b>documents.</b></p> <p>17 <b>I obtained some documents through the</b></p> <p>18 <b>New Jersey Department of Environmental Protection</b></p> <p>19 <b>that I used for preparation of the report. I also</b></p> <p>20 <b>received some documents from the Pennsylvania</b></p> <p>21 <b>Department of Environmental Protection, but they</b></p> <p>22 <b>came in after the report was produced.</b></p> <p>23 <b>And the last task was to prepare the</b></p> <p>24 <b>report.</b></p> <p>25 <b>Q.</b> Do you recall what documents you</p>	<p style="text-align: right;">96</p> <p>1 <b>Q.</b> Can you estimate how long you spent</p> <p>2 reviewing regulations and other documents in advance</p> <p>3 of writing the actual report?</p> <p>4 <b>MR. BARNES:</b> Objection as to form.</p> <p>5 I'm not sure I follow. Are you talking about just</p> <p>6 the regulations themselves or other materials and</p> <p>7 the regulations?</p> <p>8 <b>MS. MOONEY:</b> Just the documents upon</p> <p>9 which the report is based.</p> <p>10 <b>A. Approximately 40 to 50 hours.</b></p> <p>11 <b>Q.</b> And how long did you spend actually</p> <p>12 writing your report?</p> <p>13 <b>A. Twenty to 30 hours. It's a very</b></p> <p>14 <b>rough.</b></p> <p>15 <b>Q.</b> Do you have any evidence of the</p> <p>16 amount of time you spent on the various tasks that</p> <p>17 went into generating this report, such as time cards</p> <p>18 or billing entries or anything like that?</p> <p>19 <b>A. I'm not sure they would be</b></p> <p>20 <b>descriptive of the task that you just defined. I'm</b></p> <p>21 <b>just making an estimate based upon my recollection.</b></p> <p>22 <b>Q.</b> Okay. What I'm asking is if you have</p> <p>23 any contemporaneous evidence, in the way of notes or</p> <p>24 time cards or billing statements, that would show</p> <p>25 for discrete tasks on the report, how much time was</p>
<p style="text-align: right;">95</p> <p>1 requested from PADEP -- being Pennsylvania</p> <p>2 Department of Environmental Protection?</p> <p>3 <b>A. I asked for regulations during the</b></p> <p>4 <b>mid-seventies -- the time period of interest, '75 to</b></p> <p>5 <b>'80 time period.</b></p> <p>6 <b>Q.</b> Did you ever procure those</p> <p>7 regulations in advance of preparing this expert</p> <p>8 report --</p> <p>9 <b>A. No.</b></p> <p>10 <b>Q.</b> -- from any source?</p> <p>11 <b>A. From past regulations, no.</b></p> <p>12 <b>Q.</b> Okay. I assume one of the tasks was</p> <p>13 you wrote the report, is that correct?</p> <p>14 <b>A. Correct.</b></p> <p>15 <b>Q.</b> Did you, yourself, write the entire</p> <p>16 report --</p> <p>17 <b>A. Yes.</b></p> <p>18 <b>Q.</b> -- personally?</p> <p>19 <b>A. Yes.</b></p> <p>20 <b>Q.</b> Did Mr. Waring have any involvement</p> <p>21 in the actual writing of the report?</p> <p>22 <b>A. No.</b></p> <p>23 <b>Q.</b> Any other tasks that you can recall</p> <p>24 that went into the preparation of this report?</p> <p>25 <b>A. No.</b></p>	<p style="text-align: right;">97</p> <p>1 spent on each task?</p> <p>2 <b>A. Well, again, they were invoices, but</b></p> <p>3 <b>I'm not sure they'd be descriptive to make that</b></p> <p>4 <b>division. That's just my recollection, which is</b></p> <p>5 <b>probably pretty accurate. But, yeah, there were</b></p> <p>6 <b>invoices produced for the client.</b></p> <p>7 <b>Q.</b> So you're referring to invoices that</p> <p>8 Ransom gave AETC's counsel, is that right?</p> <p>9 <b>A. Yes.</b></p> <p>10 <b>Q.</b> Other than that, is there anything</p> <p>11 that would describe the amount of time you spent on</p> <p>12 the different tasks?</p> <p>13 <b>A. No, not that I can recall.</b></p> <p>14 <b>Q.</b> Okay. I'd like to turn to the report</p> <p>15 itself -- I think you have a copy there -- which is</p> <p>16 Exhibit Goldstein-1.</p> <p>17 Turning to section one, page one,</p> <p>18 here, you describe, I think, the purpose of scope,</p> <p>19 as your heading indicates.</p> <p>20 What was your understanding of the</p> <p>21 scope of the project that Mr. Sabino asked Ransom to</p> <p>22 perform in this case?</p> <p>23 <b>A. I think I talked about that earlier.</b></p> <p>24 <b>That -- to evaluate the state-of-the-art of</b></p> <p>25 <b>hazardous waste management in the mid-seventies to</b></p>

ESQUIRE DEPOSITION SERVICES



K. GOLDSTEIN, P.E. - Direct

<p style="text-align: right;">98</p> <p>1 evaluate AETC's business practices or roles during  2 that time period, and then the relationship between  3 AETC and the DeRewel Chemical Company.  4 Q. Do you have an understanding of what  5 the goal of this expert report was in the case?  6 MR. BARNES: Objection as to form.  7 I'm not sure I understand what the goal means.  8 Q. What was the purpose of having you  9 write this report, if you know?  10 A. Well, just based upon the history and  11 the caption, and a little bit of the history that  12 Mr. Sabino gave me, I got the impression that the  13 plaintiffs were part of the PRP group that funded  14 the Boarhead -- or the cleanup at the Boarhead Farm  15 superfund site, and they were looking to bring in  16 more parties into that PRP group.  17 Q. And how was your expert report  18 coming on that situation?  19 A. Well, AETC is a defendant in a suit  20 that was brought by the plaintiffs to bring them  21 into the PRP group. And the overall goal of the  22 report, or the context of the report, or the overall  23 big picture is to get AETC out of being a PRP in the  24 group.  25 MR. BARNES: Off the record for a</p>	<p style="text-align: right;">100</p> <p>1 you're saying?  2 A. Yes. It's listed in Appendix B that  3 they're the same date.  4 Q. We'll go over that then. That's  5 fine.  6 A. Thank you.  7 Q. Okay. Other than -- leaving aside  8 those two documents -- those two reports -- are you  9 saying that everything else was provided by counsel  10 to you to review for this expert report -- on  11 Appendix B, I'm talking about.  12 A. Could you rephrase that? I'm sorry.  13 I might have misunderstood.  14 Q. Leaving aside those two reports to  15 Congress listed in Appendix B, is it the case that  16 every other document listed here was provided by  17 counsel for AETC to you?  18 A. Yes.  19 Q. And did you actually have copies of  20 these documents provided by AETC's counsel, or did  21 you just review them here at Wolff and Samson and  22 take notes?  23 How did it -- how did you actually  24 access the documents?  25 A. I believe Mr. Sabino sent me the</p>
<p style="text-align: right;">99</p> <p>1 second.  2 (Discussion off the record.)  3 Q. The first sentence, the second  4 paragraph on page one here, says, the opinions  5 presented herein are based on information provided  6 by counsel.  7 Do you see that --  8 A. Yes.  9 Q. -- the very first sentence there?  10 Is the information provided by  11 counsel all those documents listed on Appendix B, is  12 that what you're referring to here?  13 A. Except for two of them, they were  14 provided by counsel.  15 Q. Okay. Which two were not provided by  16 counsel?  17 A. The two reports to the Congress, one  18 dated -- it was -- the dates are wrong in this.  19 There are two reports to Congress  20 listed in the Appendix B. Those were not provided  21 by counsel. Those, I found through my research.  22 Q. Okay. I actually have copies of  23 those reports. We're going to be talking about them  24 later. So if there's a discrepancy with regard to  25 the dates -- they're not the same date is what</p>	<p style="text-align: right;">101</p> <p>1 depositions of Mr. Landmesser and Mr. Leuzarder  2 prior to my visit to this office, and then, when I  3 came to the office, I tabbed these for review.  4 Q. You tabbed what?  5 A. I tabbed these documents for copying  6 so they were sent to me for review.  7 Q. The remaining documents, you mean?  8 A. Yes.  9 Q. Okay. Did you tab certain sections  10 that were copied and sent to you, or were the entire  11 documents sent to you?  12 A. Honestly, I don't recall. It's my  13 normal practice to tab just sections that I want to  14 review, and those are copied. I don't know, in this  15 case, if that was done.  16 Q. When you reviewed these documents at  17 Wolff and Samson, did you review the entire  18 document?  19 For instance, these deposition  20 transcripts, did you review the entire thing or just  21 portions thereof?  22 A. While I was here, I only reviewed  23 portions, but when -- as part of the preparation of  24 the report, I did read all of the depositions listed  25 here.</p>

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